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THE QUEST FOR RESPONSIBILITY*

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We moderns attack no new problem when we set out again on the quest for responsibility. We merely use new terms for old ideas. Hundreds of generations have tried to reconcile liberty and law, authority and freedom. These same problems are posed on the oldest Egyptian tablets. Recall also that requirement in an old Greek city that whosoever desired to propose a new law should come into the place of assembly with a rope about his neck. Responsibility, you see! Justinian declared that the affairs which concern all should be decided by all. Such illustrations may be found throughout the pages of history. Calvin and Arminius posed the problem in theological language, using the terms "sovereignty of God" and "free will." Plantagenets, Tudors, and Stuarts all grappled with the implications of the responsible crown, and with the difficulties of getting taxes without debate in Parliament. Magna Carta, the Declaration of Right, ship money, the Instrument of Government of Cromwell's day, habeas corpus, the Bill of Rights—these are all tokens of a long English struggle for responsibility in government. Jefferson and a multitude of his contemporaries on both sides of the ocean were merely carrying forward a time-worn struggle to put monarchs into some setting of responsibility. Even the devices of annual elections and a set term for parliaments are products of the long search. Lacking only was the language or idiom of responsibility. Practice aimed at the idea, however difficult it proved to arrive at the condition.

Instrumentally, these pioneers were concerned with denying,

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proscribing, or circumscribing the exercise of powers from which they had suffered or feared that they might suffer. They struggled to contrive forms by which powers granted would be impotent for harm, and they ran into the problem of making them at the same time efficacious for good. Their inventions were not invariably successful. Americans, fascinated by Montesquieu's misunderstanding of English polity, contrived checks and balances. But there is little evidence that the constitutional fathers had much real faith in the device. In a very real sense, those English in America in the late eighteenth century were resurrecting the philosophies and some of the formulæ developed in the seventeenth century by the English in England.

In this day of governmental action and state intervention, it may be worth our while to pause the while to examine and re-examine the challenge of this problem of responsibility in its several aspects. There is a simple way of beginning, and it cuts right through all of the talking and writing of two thousand years. If we assume, to begin with, that responsible government is desirable—and we must—we should inquire: For what and to whom shall it be responsible? We should know further who actually will be shouldered with responsibility and whether responsibility can be achieved by structural devices. We must discover also whether there are other realities involved that must be considered when such questions are raised.

It seems obvious that government eventually will be responsible for such undertakings as those who control it declare to be in the general interest and for the general welfare. There is little possibility of doing what so many have tried to do—classify and pigeon-hole so-called governmental functions, setting them down as more or less hard and fast judgments eternally applicable. Such attempts have merely added to the confusion of thought which is everywhere prevalent. Doubtless we can all agree that there are some functions necessary to government, functions which if not performed leave us without government. There are some also which cannot be performed by government. Even the English statesman who declared that "Parliament has power to do anything" did reserve one little matter, "the power to make a man of a woman." The attempt to enumerate functions between these extremes, whether in universal terms or as related to a particular time or place, invites contradiction and disagreement from every quarter of the

compass. In a very real sense, therefore, each student of the problem and each practicing statesman or politician makes his own list. This is the reality which we need to face when we approach other aspects of the problem of responsibility. Not to do so is to hide our heads in the sand. There are no boundaries which are beyond dispute between the extremes. There is no agreement within the mean. Particular governments at particular times and under particular circumstances discover particular things which must not be left undone if there is to be a government and an orderly society. Again these same governments find that certain things cannot be done if revolution is to be avoided. Evidently this is no place for "the dialectic"—self-styled statesmen to the contrary notwithstanding.

Moreover, it is to be noted that the problem is not entirely within the control of any existing government, or of peoples, or even of dictators. What governments can do at all, or what they can do without injury, or even what they can do better than some other organization or individual, or permit to be left undone, or do badly, depends often upon the state of the arts, upon the processes of mechanization and of organization, and on natural resources which are available. One has merely to revert for a moment to the current world problems of the nations known as "the haves and have nots" to illustrate this difficulty.

There is the further difficulty, of course, which we face when we grapple with what we call "the will of the people" and its decision in the field of function. Some act of will, whether of the people or of a dictator, must answer the question for a particular government. Just what this is gets us into the question of how government can become the instrument which faithfully reflects the concurrence of individual wills in preponderant numbers. In a very real sense, therefore, this problem of function as it bears on responsibility has a relation to structure, to public opinion and its possibility of expression, to popular leadership, to general intelligence, and to the current economic scene. How to create a system of responsibility which is continuing and controlling, and at the same time in a public interest which is determinable and enduring rather than transient, is a challenge that faces popular government everywhere. It cannot be met by a theorist's attempt at classification. If a categorical answer be required, there can be but one—time and circumstance will give us the answer. The fact we must reckon

with is that governments must do, if they can, what is demanded of them by those who control them. In this determination, certain things have weight: the inevitable, the impossible, the state of the arts, the non-human resources, the will and genius of the people and its leadership.

The whole problem becomes even more complex when under a popular government we venture into the field of control. In so far as government is a device for doing certain things, it cannot be responsible to itself alone. As an organization of human beings, as a personnel—if you will—it should have within itself certain characteristics of responsible action. But the whole history and import of the struggle for self-government assumes that constituted governments are responsible to those who create them. In this sense, responsibility runs to the people, or the quality of popular government is impaired. It is the reciprocal of popular control. If the governing agent becomes the tool of some individual—a dictator (political or economic), an interested class or domestic faction, or a foreign master—we no longer have the substance out of which popular government is conceived, and we have made a mockery of responsibility. In modern times, this control finds its mechanism in the voting process, as yet a crude instrument of popular action. For our electorates are asked to resolve complex situations about which they have a minimum of information, for the most part inaccurately reported to them. They are subjected to disturbing appeals to irrelevant or traditional emotional attachments. They are not presented with simple choices which are clear to them. Moreover, they may be forced into choices by economic imperatives, or even by the appeal to fear. Besides, there are multitudes of conflicting interests which must yield to compromise, to adjustment, and to integration. The genius of self-government is indeed a hard task-master.

Because of the many difficulties involved in self-government, there are many who, in despair, seem willing, at least at times, to give up the struggle for the democratic way. It is only when we contemplate the possible alternatives to an ultimate control by the people themselves, operating as voters in whatever way they can, that we reassure ourselves of the validity of popular sovereignty. Lincoln was doubtless right when he said that all of the people cannot be fooled all of the time. Dictators, of course, always claim to act for the people, or in their interest; but none professes

to act in a relation of responsibility to the people. They are responsible either to themselves alone or to some class or person not identifiable as the people. This, it seems to me, is the essence of irresponsibility. The history of freedom warns us to beware of those who pretend to act in behalf of the people. It supports the declaration of Justinian that affairs which concern all should be decided by all. No doctrine is a safe one for the modern world that does not accept as inevitable that government, whatever its form, whatever the scope of its functions, must be genuinely responsible to the people as a whole.

In so far as it is true that the more or less amorphous public is not prepared for self-government, we in this company must find our greatest challenge and our inescapable responsibility. It is in point here to ask ourselves as educators what we are doing to implant in our people from the kindergarten up the requisite qualities for self-government. Here would appear to be our never-to-be-satisfied obligation. We have had one hundred years of public education in this country. In just what degree has this been a public education, save that the public has paid the bills? Do we develop the public person or the private individual? That there is a difference, no one will deny. Nor can it be gainsaid that the education of a private person in certain ways may easily result in the development of the non-public person. We give lip service at all times to the doctrine of education for citizenship. Just how effective has this service been in the making of intelligent participators in our public processes? We dare not make great claims to success in this field. The time has come to face this problem realistically. Democracy and its perpetuation may all too soon prove to be an American obligation. To what extent do we contribute to increase the number of those who can at once think for themselves, and see the reasons of those who differ? Who can assess matters in their true proportions and so arrive at common agreements on aspects of major pith, sacrificing perhaps their honest differences about minors and non-essentials? The fathers of 1787 did that. To what extent are our citizens able to differ with conviction, and yet compose differences and live in peace and order? To what extent is it possible for a minority among us to accept the decisions of a majority without submission or surrender to an autocrat? We can never be perfect in this regard. We cannot long keep responsibility in our governments unless we maintain an unremitting campaign

for its preservation and extension. All of the agencies of education and communication will be required for this service—schools, the radio, the screen, and the press. We who teach government and the social sciences should summon them to our aid. For we must develop a people to whom it is possible for a government to render responsibility. Here is perhaps our greatest obligation as political scientists.

We have a tradition in the United States that what we want is to attain that ideal expressed by the philosopher as "a government of laws rather than a government of men." To this we revert when we lose patience with the personnel which operates our governing mechanism. And yet, since the processes of government are not automatic, we must put men in charge and hold them responsible for carrying out the popular will. We come, then, to the generalization that "representatives of the people's own choosing" will carry the active burden of responsibility. It is difficult to believe that modern peoples, with the current mechanisms of intercommunication at their command, will be satisfied to give up for long periods the habit of choosing representatives to act for them except as they use the more direct methods of initiative and referendum. At the moment, many cross currents in world opinion and practice might seem to invalidate such a generalization. But all whirlwinds blow themselves out. Therefore no short-time philosophy or short-time procedure can be considered as anything but variants temporarily in control. Long experience in many places teaches us to hold fast to this principle of representation and to take such chances as are necessary with the device of popular choice. It teaches us further that responsibility has little relation, if any, to the quantitative approach to the election problem. The short ballot and the pointing up of policies to be voted for and against are the important items in popular voting.

There are those who teach that responsibility in government is, in some degree at least, bound up with or perhaps nullified by form or system. Woodrow Wilson believed sincerely—certainly through most of his life—that the way to some measure of governmental responsibility for the United States was to add to Article I, Section 6, the four words, "other than a cabinet," thus making the section read: "No senator or representative shall . . . be appointedto any civil, other than a cabinet, office," etc. This addition would give members of the Congress the right to hold cabinet

positions. Such a device, he thought, would break with our tradition and give us a parliamentary or cabinet government and, he assumed, "responsibility." Said he (in 1884): "The only hope of wrecking the present clumsy misrule of Congress lies in the establishment of a responsible cabinet government." This was Wilson's formula for bringing the executive and the legislature closer together and escaping the sterility which he considered to be the result of the check and balance system. He wanted some link, some bond of connection, between these two great branches of government to neutralize their antagonisms and harmonize their interests. He asked that the executive agents of government should stand at the ear of the legislature with respectful suggestions of the needs of the administration, and that the legislature give heed meanwhile, requiring of them obedience and diligence in the execution of its designs. He argued that changes in our form of government involved in his proposal are surely worth making, and in the most forthright fashion demanded the institution of the English cabinet form for the United States. However, there seems to be no evidence that after he left the class room Wilson still urged this formula to attain responsibility. On the contrary, he stressed the need for presidential leadership rather than a system which eventually would have made the President a figurehead. In his critical analysis of Wilson's point of view, David F. Houston, for eight years a member of the cabinet, concluded that Wilson's solution was too academic and overlooked the life of the government and the temper of our people. It is an interesting and penetrating comment on the implications of responsibility.

The cabinet suggestion is but one of those proposed by people who seek further responsibility at Washington. Some would limit the presidential term to six years, some call for the item veto, some would give Congress further powers, and some would take power from the President. All of these enthusiasts fail to see that they are expending a good deal of energy on more or less barren devices which at best could no more than neutralize or counteract some of the consequences of the check and balance system. The contrivance that cures one defect in such a structure is almost certain to give it another of equal virulence.

This faith in form or structure is as old as ancient Greek philosophy and as persistent as our American belief that checks and balances will produce responsibility. Forms, however, are no more

than the ways which have been developed in diverse places for doing the things that want doing. And doubtless there are always more ways than one of doing these things.

There must be certain realities behind governmental forms which touch upon our problem, and which are the determining factors that need to be illuminated in any such discussion as this. These relate to the character of peoples, their experiences and experiments, their capacity for self-control and understanding, their education, and their status as civilized human beings. Long ago, Boutmy, the French publicist, uttered a warning to his countrymen which is still challenging to us all. Said he: "Constitutional mechanism has no value and efficiency in itself, independent of the moral and social forces which support it or put it in motion." On this subject, Bryce said: "To any one familiar with the practical working of free governments, it is a standing wonder that they work at all. What keeps a free government going is the good sense and patriotism of the people, or of the guiding class, embodied in usages and traditions which it is hard to describe, but which find, in moments of difficulty, remedies for the inevitable faults of the system."

Of course, the fundamental reality behind any system of responsibility is the capacity of a people for self-government and their competency as individuals. We were fortunate that this capacity appeared early in American history. Any summing up of our American advantages would seem to indicate that no nation ever embarked on its career with happier auguries for the success of responsible popular government. Here was an excellent racial inheritance. Natural resources were abundant for an ample existence. Here was security from external danger such as threatened the peoples of Europe. All of the conditions for a peaceful and prosperous political life were present. There was neither prince nor pauper. There was a passion for liberty and a spirit of self-reliance. The environment made for a belief in equality and equal rights, and these, in turn, for an acceptance of the idea of popular sovereignty. Put together, however, all these bred a suspicion of remote control and an attachment to local self-government and local responsibility. It is not to be wondered at, therefore, that difficulties appeared when the attempt was made to transfer some responsibility and power to the new plane of national organization. Evidence of this is found all through the debates of the Convention of 1787. Even so, the prob-

lem of the organization of a national life and a governmental symbol to represent it seemed to many to be solved by the adoption of the Constitution.

But the possession of a favorable character does not of itself guarantee that a people will devote its first attention to the development of responsible systems of government. In the conquest of a continent, other problems appeared that seemed to most Americans more immediate and important than the perfecting of a national system of responsibility. To them, these problems seemed preponderantly those for which the individual himself had to be responsible, and in so far as they were social and political—well, there was the local government. The fact that our system was federal, and the legally separatist position of the states within the federal system, confirmed the opinion that public functions which transcended in scope local government boundaries were in the keeping of a geographical political entity—the sovereign state. National problems took on a sectional aspect at most, certainly until the Civil War. This was a country dedicated in spirit to individual enterprise and, so far as government was concerned, to a wide variety of state and local experimentation and responsibility. Our history, our environment, and our state systems of constitutions and laws worked against the idea of national unity and a national government.

We must not fail to understand, therefore, that the federal character of our enterprise was an experiment full of real difficulty for a people who were scattered far and wide in a continental area of diverse geographic and economic sections. We should remember also that this same federal principle which was such a necessary part of the experimental establishment of 1787 did survive, and doubtless was the indispensable condition for the continuance of our representative political society as a single national state. Without such a device, the United States could not have happened or persisted. But we need to realize that the impediments to an achievement of a responsible national government have been magnified and multiplied because of it. No unitary state ever faced such complications.

The achievement of responsibility in any society postulates a natural and harmonious flow of forces and ideas. Here we had conflict and its political consequences. Neither did we have in our federal union at any time, nor is there yet, an accepted or agreed-

upon division of the field of power as between general authority and the local units autonomous within their spheres. Ideally, such a division should so far as possible reflect fundamental principles operative in the society. Let it be ill-adjusted, or the subject of quarrels among parties without understanding or devotion to principle, and much more than the current public service will suffer. For in that situation the short-sighted will attempt for their fancied advantage to alter the constitution to their own ends by seducing words out of their meanings, by distorting sense and over-reaching principle, and by subterfuge and blandishments. Whatever the temporary outcome of such a course, the political integrity of the people suffers and the substance of responsibility is dissipated. We have had just such difficulties in the United States, and we are still at sea as to a proper division of powers. Our twilight zone is still a broad band of half light and shadow.

It would be a tempting undertaking to suggest at this point what might be done with our system by way of redividing or redistributing powers to the national advantage. Our literature is full of suggestions for such an enterprise, many of which have merit. A study of the current scene by as competent a body of men as made up the convention that drafted the Constitution would doubtless result in suggestions for change which might seem as revolutionary as did the instrument of 1787. Suffice it to say in this connection that we are in dire need of adopting an orderly habit of ascertaining and altering the dividing line in conformity with genuine changes of situation and with the pace of general opinion. It is at once the task and condition of responsibility to keep that line corrected. Not to do so may mean in time an altering of the political map, and even perhaps some new secession problems. In any event, it seems clear that if there is to be responsibility within the structure of a federal system there will have to come some generally accepted agreement in principle concerning the dividing line which separates local from national authority. Studies under way in the field of our duplicating and overlapping tax systems indicate that we are making a gesture towards the study of this problem. Even more fundamental would be an inquiry into the problems of commerce and the police power.

Some changes and accommodations will come inevitably and in some cases unconsciously, perhaps, by muddling through. They cannot be made over-rapidly, for it is a major premise in any

discussion of governmental forms and procedures that any national or local pattern for organizing a political society must be related intimately to, and grounded in, the history and habits of that society. Political institutions do not readily survive transplanting into uncongenial soil nor thrive under hot-house conditions. They must, so to speak, grow in the wild—they must, in so far as possible, be indigenous or of long adaptation. For the purposes of this discussion it is sufficient to suggest that we must find our own answer—an American answer—to the problem of so organizing our political society that we will be able to determine without revolution or violence what services it wishes to undertake through public agencies and how these can best be administered. It is a difficult business. Montaigne pointed this out long ago when he declared that nothing is more dangerous than to touch a political order once it is established. "For," he said, "who knows whether the next will be better?" It was his conservative opinion that we should not disturb settled political processes which are the result of custom and tradition on the strength of private opinions which express all too generally only moods, humors, or even prejudices.

And yet no more important problem faces us in America, or other peoples in distant places. It is a universal problem, as the history of the last twenty years the world over proves beyond question. It is a quest for a proper and stable division of labor in the area called by political scientists "politics and administration." The problem was not invented and has not been solved by our most recent political innovators—Nazis, Fascists, or Communists. They did not even state it. They found it completely unsolved and profited because of the failure of their predecessors to attack it successfully. It would seem to us who believe in the democratic process that these new parties which have taken over in the European scene have actually contributed nothing in the democratic sense and have succeeded only in establishing a new type of governmental tyranny. One thing they have done for us, however. They have challenged us to find a solution within the orbit of the representative system. They have announced with reverberating and thundering finality that democracy cannot find the answer. Democracy is through, they say, and, as Spengler puts it, "the day of Caesars has arrived." Let us remember for our consolation that time and time again throughout history that day has arrived and miserably ended.

Of course there are millions of Americans who believe sincerely and completely (1) that there is no problem of responsibility in government haunting us, and (2) that if there is, we must not do very much about it. Time and chance will work us out of any difficulty if only we give them opportunity. These millions will not recognize the fact that we are a profoundly different people, with very different environmental challenges, from those early builders of experimental political institutions in a vast wilderness of far-flung frontiers and unrestricted economic opportunities. Responsibility remains for them a completely individualistic conception. For the student of political theory, however, there is comfort in the fact that of recent years some political leaders have recognized that there is a problem and that it is worth doing something about —viz., the accommodation of political institutions to a changing environment.

The World War interrupted programs that promised recognition of the need for institutional changes to fit a different America. Moreover, it turned our attention outward and stifled rather than stimulated any immediate recurrence to the problem of recasting our domestic polity. The idealism which had been aroused during the war dissolved as we became a creditor nation and as a hollow prosperity urged us to beat the cymbals to celebrate a new economic era which had no use for an analysis of internal political problems. Secretary Hoover's study of unemployment stood idly on the shelves. Then came the crash of 1929 and the years of the early thirties. Millions of minds were shocked into some recognition of the fact that we are an interdependent political society in need of instruments of public action which move swiftly and effectively on a national scale when the occasion demands.

We have just experienced an era of government action new for its swiftness and comprehensiveness in American history. We developed new governmental authorities with an almost complete disregard of all principles of design or of responsibility. Because of this experience and its disappointments in so many directions, many have come to see that our governmental establishment does require some accommodation. We now can understand why certain men who met in convention in Philadephia in 1787 to draft a constitution were interested in establishing a government adequately powered and equipped to deal with national problems. We realize, too, that our assumption that that work was done for all

time is quite erroneous. The fathers did the best they could for their day and age, but they could not foresee all of the problems which would face their successors in a rapidly changing world. They, however, gave us formulæ of great daring and great possibilities which we have ignored and have been unwilling to utilize. The set of our minds and our absorption with other concerns have brought it about that we have used our mechanical proficiency and ingenuity in meeting other than public problems—and often perhaps even to find ways to defeat any attempts to bring about an experiment in solution.

Tradition in the United States has insisted on a comparatively colorless public service. Occasionally, as in 1933, we have broken with that tradition. But the agencies of public opinion, whether the party or the press, have frowned upon and even scorned any attempt on the part of those who tried seriously to adapt the forms and functions of government to new conditions and needs. Experiment and modification have been discountenanced as such, and not upon any appraisal of resulting evils and benefits. There has been that fear and suspicion of strong and able public leadership, no matter in what place or office, no matter how hedged in responsibility or how consecrated or disinterested. Always we have retired behind that delusively comfortable rampart known as the check and balance principle, behind which responsibility has been dissipated and disintegrated. Power was always to be checked or nullified rather than controlled and made to serve.

Under the conditions surrounding us in this modern interdependent world, this situation cannot continue if democratic institutions are to survive. Politicians—and there are many more good ones than we are willing to admit—and civil servants or administrators, as the case may be, must find that division of labor which allows each group to function to the best advantage of the whole people. The proper controls to keep each group in its place must be established if we are to have the necessary equilibrium for a government which functions rather than marks time. And there seems to be no place in the modern world for a government that merely marks time. Recent experience the globe over has proved this beyond question. There must be deliberation, to whatever extent is needed for making decisions in the light rather than by guess, and then, without loss of precious time, action must ensue. Opportunity there must be for the voter, without compulsion or pressure, to

replace the ins with the outs. But once the general will is freely and emphatically expressed, action should ensue or cease according to that will. From the point of view of the student of popular government, sound administration waits today upon the establishment of the principle and fact of responsibility. This is true for all levels of government—national, state, and local—within the orbits of their competency and jurisdiction. To no inconsiderable extent, satisfactory service waits upon agreement on these divisions of authority. It is most immediately imperative on the national level because our most baffling problems have become national in scope.

The proper relation of Congress and the presidency call for accommodation even more insistently than ever before. In a simpler time (1897), Woodrow Wilson declared in an address to the Virginia Bar Association: "If you would have the present error of our system in a word, it is this—that Congress is the motive power in the government and yet it has in it nowhere any representative of the nation as a whole. Our executive is national . . . and yet it has no originative voice in domestic national policy." To those who will reply immediately that Wilson's analysis has not been true for our recent history, it is only necessary to say that for a brief period during an emergency of fearful proportions we did have presidential legislative leadership in certain directions. It is also true that at no time in American history has that leadership been under such general fire as in the last two years. Moreover, never before has it been so clear that the office of the chief executive needed strengthening in its administrative or managerial aspects. In the recent "management bill' controversy, we had the interesting spectacle of a Congress which refused to take responsibility in at least one small field and at the same time would not let the President have it.

This incident is but illustrative of the difficulties that there are in any attempt to uncover a responsible agency which can act for the people under modern conditions. In recent years, Congress and our legislative bodies have become less and less competent to plan and take the leadership for intelligent and comprehensive programs in the public interest. This is not because these bodies are less intelligent or less devoted than they used to be, but because the problems confronting the nation are so much more complicated and baffling. Somewhere the experience of those who know best the natural and human situations that need accommodation must be brought into play if we are to have balanced programs of action;

and these individuals or groups are unlikely to be in legislative bodies. They are accessible, however, and should be at the call of those who are responsible for the development of public programs. Probably the best that any legislative body can do is to debate the general merits of comprehensive programs and then declare for or against them. To emasculate them or bog them down with individual opinions crystallized into amendments, to make major changes or to call for an alternative emphasis, will distort the balance which is required if we are to attain realized responsibility. The presentation of public programs, indicating objectives, policies, and priorities, is the essence not of dictatorship but of responsible leadership. It is both political and administrative, and it straddles both the legislative and executive departments of any government. The British, of course, meet this problem through the use of a legislative committee chosen to be the executive. We in America have no such agency, doubtless because we have as yet no general recognition of the fact that there is such a function which needs to be implemented. We have isolated bits of equipment in secretariats and advisory boards, rudimentary budget bureaus, and baffled planning commissions or committees. Even the most ambitious of these, the National Resources Committee, is as yet for the most part merely tolerated by Congress. Jealousy is rife in a capitol where coöperative undertaking is imperative. Any leadership that emerges, whether presidential or legislative, is quickly eroded and dismantled, even though no alternative to such leadership is presented. This is the constant and inevitable consequence of a structure which sets up a division of the indivisible. This is also one of the reasons for the repeated failure of our parties to present to the voters a simplified choice of alternative policies which can be registered in a simple vote. The Gallup polls do better than that.

We succeed under our system, then, in producing at elections a spectacle in which Americans must vote their resentments; for their parties equivocate on issues, and adopt the mere strategy of adding together the opposing interests to gain places of power without responsibility. This scheme of things merely parallels the typical American process of rolling together the demands of district representatives into one barrel for a lump vote—a little for everybody rather than something worth while for all. We have no clear-cut and responsible way, apparently, of pooling executive, ad-

ministrative, and legislative experience for national action. Hence, forces too often are set in motion, as in pension or mortgage legislation, which grow with the years into the possibility of national bankruptcy.

We are thus faced with a very real dilemma. We can equip our government to meet the manifold tasks which we force upon it, and thus develop responsibility, or take the position that no matter how urgent or necessary public action may seem or be, we dare not allow the government to undertake the responsibility. If we are going to trust government, then, there are certain, possible courses for us to take.

We can increase the discretionary power of the executive—a kind of return to the Tudor theory in which the strong executive served as a national instrument of balance and control over contending interests. This would leave the legislature a mere discussion agency and the recruiting ground for public leadership. This, it should be noted, was the popular solution in post-war Europe, when parliaments and parties refused to accept responsibility for formulating and defending policies. The American people are just now in reaction against such an idea, and inevitably will be so long as our irresponsible establishment remains unchanged.

We might have the President and his cabinet deliberately seek closer relations with the legislature by frequent informal caucus discussions and create a continuing round-the-year joint legislative policy cabinet. If such a device could be formalized into the fabric of interdepartmental relationships to give it constancy and stability, it might point the way, at least, down the trail of responsibility. Something like this may be developing in certain of our states which have set up legislative or executive councils.

Some still favor the proposals of Woodrow Wilson made fifty years ago. Eventually, under such a change, the presidency might take on the character of the French presidency or the English kingship without its trappings But there is an opposite possibility, and as we consider what is going on under our eyes in France and England, and with our long tradition to be overcome, this seems an unpromising immediate solution.

In despair, we might dismantle the functions of government to such a point that public duties would be few and unimportant and thus relatively easy and simple to administer. Such a program is

no real program, but under modern conditions is an approach to anarchy.

Some even propose to hand back our problems to the states for solution. It seems that in so doing we would produce forty-eight headaches instead of one, and would not solve the original problem. Moreover, the states have problems of responsibility within their own jurisdiction which remain highly perplexing.

Facing some of the implications here set forth, the President's Committee on Administrative Management was organized to study the administrative and managerial aspects of the presidential office. It undertook the task of finding and suggesting instruments which would aid the President in exercising his administrative powers, at least, and by the same token, his administrative responsibility to the people.

Before the President's message to Congress which recommended that the Committee's suggestions be made law could have any real consideration by Congress, however, both houses were involved in the bitterest debate of twenty years—that on the President's Supreme Court proposal. All of the fury aroused by that debate made sane discussion of the reorganization report almost impossible. The legislation drafted as a follow-up to the report was almost immediately dubbed "the Dictator Bill." The fact that the President wanted it was all that his enemies needed to know. From that moment on, both he and his propositions were under bombardment. Moreover, on at least one of these suggestions—the post- and pre-audit devices—the experts immediately differed. One group of political scientists (the Committee) came to quite different conclusions from those economists and political scientists representing the Brookings Institution. The debate on the President's measure went far afield, particularly in the House. By and large, most of it was not illuminating except to show that members of the Congress were unwilling or unable to discuss the place or possibility of responsibility in government.

The great misfortune in this controversy does not lie so much in the fact that Congress and the President did not get together in 1937, as in the fact that the real issues were not made clear to the public either in the debates and hearings, in fireside chats, or in the press. Had the proponents of the bill been able to advance the various suggested changes within the frame of a responsible gov-

ernment, they might have brought forth almost irresistible arguments for most of them, and they might have discovered how the others could have been modified so as to draw less fire. In the actual situation, however, the arguments for change did not take account of the whole problem which the national government faces. Perhaps it was impossible to do so. The opponents were in a no less happy situation. By all their lights, they believed they were justified in their course; but they were fighting in an unreal light. As the lines were drawn, the debate was of little profit to the public because too little attention was given by the Congress to the place or possibility of responsibility, and particularly administrative responsibility, in government. It was called a presidential plot, and that was enough to damn it. Debate often turned on parts of the report which were not recognized in the bill. Moreover, as it turned out, a constitutional question involving the veto and the two-thirds vote was raised in connection with the President's authority to give an executive order as one of supreme importance. It would have been difficult to get farther away from the real problems of administrative organization. Yet there was the issue as large as life to each side. On the heels of the President's Supreme Court proposals and in a scheme of government with no seat of final responsibility, the bill touched off a footless strife which, when once started, made impossible a discussion of pertinent problems. Moreover, the President's forthright statement that he had "no inclination to be a dictator," though a natural retort in the heat of a political battle, did not help in bringing back the debate into the realm of a discussion on responsibility. The whole struggle emphasizes once more a fact which students of government have pointed out repeatedly, that our Congress has an attitude toward executive machinery which is quite unique. It insists upon elaborate legislative restriction on the executive through the mechanism of statutory controls, and thus gives the President an alibi at all times for poor administration. It would be a more powerful influence for responsible government, and would represent the people better, if we had a tradition that the task of Congress is to bend its energies much more exclusively to a clear formulation of public policy and a vigorous and controlling scrutiny of administrative results. It is a short-sighted policy that fears the exercise of any executive discretion, for the final result of such an attitude on the part of the legislature has too often meant the downfall of popular assemblies

through the coercion of events. With all of the experience of recent years before our eyes, it is time to recognize, in our fear of dictatorships, that events themselves have a way of becoming the most real dictators of all.

Now that the happenings of the last decade have focused the attention of the American people upon national problems and the handicaps under which the national government labors in planning and coördinating its measures to meet them, it may be possible to bring into the open some intelligent discussion of the whole problem of responsibility within our democratic system. We are engaged on many fronts just now in defending democracy against attacks from within and propaganda against it from without. It is entirely possible that the democratic idea is fighting for its life in this generation and, because of certain economic determinants, against great odds. Other peoples have forsaken the democratic mode upon the theory that it was failing to meet the crisis as a responsible agency of the people should.

Let us face this challenge squarely and ask ourselves whether here in the United States, under modern and ominously complex conditions, we can develop a *de facto* responsible government to act for the American people, as a representative and effective instrument of their will. It is time for thoughtful men to give attention to our situation. Without question, there must be certain and continuing responsibility located in our government at Washington. It should be clear, for instance, that the President needs a better staff organization and the advantage of the best administrative techniques. It is clear also that Congress has to act within the limitations imposed upon it by its size and the local character of its membership. It is certain that there must be developed at Washington some provision for a kind of career service which in a very real sense straddles both the legislature and the executive departments. Our check and balance system assumes that the executive is responsible directly to the people. Somehow in times of great stress the nation as a whole does exert itself, and it tries to determine public policy by giving unusual attention to the election of a president. For a time, while the President retains his popularity, there seems to be realized responsibility.

But Congress, too, is directly responsible to the people, and it wishes to be on the ground floor also. Before long the meshing of legislative and executive experience and responsibility which should

be the result of a party election seem to fail and the gears begin to clash. Programs, variously initiated, often excellently conceived, do not have a decent trial or become reasonably effective, for they are not administered by those who are experienced in governmental organization and procedure, and existing facilities and personnel for such administration are not called in. In other words, the career service and the loyalties which it represents are not drawn upon in planning as well as in executing policies. The responsibility which theoretically we thought we had provided for does not work out as we supposed it would under the traditional American system.

In any program for the development of a more responsible government, it would appear that the President will have to take leadership. Perhaps under present conditions and traditions we somehow expect it even though we do not provide for it. With an adequate budget bureau staff set up on a career basis, and with a real cabinet of the general planning and coördinating type—which, of course, he can have if he wants to appoint it—and with rather permanent under-secretaries as a part of the civil service, it will be possible to develop carefully prepared national programs which the people need and want, and which will have some chance of success if soundly administered. Given a proper staff organization, if the President could have an experienced coördinator and general manager as a deputy administrative president, perhaps as a cabinet officer without portfolio, he would be still better armed. If, further, this deputy by tradition could become a non-political and non-partisan agent, we should be on the way toward the development of administration as an art in the national government. The American world of business and industry has done this, as have many local governments in many states.

Many years ago, David F. Houston, who occupied two cabinet posts with Woodrow Wilson, made some such suggestion in these words: "It is a question in my mind whether the president can long continue to be the formal head of the government, the chief of his party, and the leader of Congress. It may be a task too great for any human being to stand up under; Congress will resent his attempt to lead it. He must at least have the presidency better organized. He should have as his first aide one of the ablest men in the country and under him three or four men of exceptional ability: one to see that the problems affecting a number of departments are dealt with promptly and in the right fashion; one to

establish the necessary contacts with Congress and the public, including the press, and the other to supervise the executive offices. The president should ask Congress to authorize him to do this and to give him money enough to pay a respectable salary to each of them." Why should the Congress or the American people fear such a development? Under such a set-up, Congress would have the opportunity to become a real reviewing agency of responsible administrative operation. It could give proper attention to well-planned programs of public action. In so doing, it would inevitably develop political leadership on the basis of national needs and policies. In that case, it need not fear or suspect administrative discretion and action, for it would review and criticize rather than try to check it. Moreover, it has the purse strings.

Among other things we need just now is a widespread understanding of the fact that under our traditional check and balance system and with the shifting that is going on in the field we call the division of powers in our federal system, it is extremely difficult, to the point of being impossible, to get and keep any national responsible leadership in a legislature chosen as is ours. Only through such an understanding can we ever work out some alternative for a parliamentary system which will give us what the English seem to have. That we need more responsible governments, national and local, few thoughtful men will deny. The fathers doubtless believed that they were inaugurating a system of national responsibility within a limited sphere. Our trouble is that the orbit of our national life has been extended enormously and our minds are still imprisoned by attitudes which were sound in the days of a simpler economy. We must get a new look at the whole problem of responsibility as it is affected by the development of the field of function, of democratic control under actual conditions as we find them, of structure as it hampers action when action is necessary, and in the light of the present attack upon democracy itself. To allow the drifting process to have its way in the kind of world in which we live is highly dangerous. To allow suspicion and the clash of economic or political interests to prevent our government from making the necessary accommodations to meet modern situations is to risk too much. We owe it to the future, as well as to ourselves, to give as genuine attention to our national political problems as did the men of 1787.

The debates of 1787 indicate that the fathers deliberately turned

their backs upon what might have become the parliamentary system, fearing to establish an all-powerful legislature. They established instead a Congress and an independent executive, each presumably representative of the whole people. Congress, however, fails to be a representative national body or a responsibly functioning institution. So far as the electorate can see, the presidential office seems to be the one national responsible position immediately related to the whole electorate. The core of that responsibility centers in those functions of the President which have to do with political leadership and his relations with Congress. These need development and implementation so that the President and Congress can become a government in the technical sense. Meanwhile, the President's administrative functions might well devolve in much larger measure upon some more permanent administrative establishment which will provide the basis for long-time planning and the balancing of programs as well as the day-to-day operation of the national government. In this way, we should bring our national career service into a closer relationship with both the President and the Congress and have a real reviewing agency of administrative acts, particularly in connection with the debates on the budget.

Responsibility in modern times and in a democracy must include the power to act for the people when action is necessary. To distrust or fear the grant of power is to deny validity to the whole process of modern government and to encourage anarchy. It must be remembered that more than ever before liberty is coupled with efficient government exercising power in behalf of the people. The people themselves can make this power responsible only through governmental action which represents their will. To distrust a controlled and responsible government means that we leave the use of power in hands which are not responsible to ourselves. This is not the way to freedom, but to a new kind of serfdom, in our world as now organized. A responsible governmental establishment is more necessary today than at any time in human history, for much more is at stake than ever before. A paramount question which the world faces is whether responsibility can be achieved and maintained through the democratic process. Our country can furnish the best proving ground for such a test. We have ample physical resources, and therefore no imperialist designs; we have discovered

that many races and nationalities can live happily side by side; we have a system of public education that provides wide opportunity, even into the realm of higher and professional instruction; we still have faith in elections and in the electorate; and we have an almost universal use of the most effective devices for intercommunication. Moreover, we still suspect military establishments. We are thus in position so achieve responsibility and maintain democracy if we can set up goals to which we can give a common allegiance. If we can do this, our loyalties will suffer no strain and the tendencies toward disintegration need not appear.

The dictators have taught us at least two things: that there are no guarantees worth while in the modern alternative to democracy, and that people are willing to make great sacrifices—yes, even their immediate freedom—for announced desirable economic and social goals, though their attainment may take many years. Meanwhile, dictators, too, use what appear to be the methods and trappings of democracy in order to pose as popular choices. And they cultivate patience in the multitude even while they whip up passions of various kinds to cover up their own failures to perform in the arena of domestic polity.

There can be no question that democracy today is being asked to take a responsibility for which originally it was unadapted. The concrete institutional goals for which our early democracy crusaded had to do with personal freedoms and guarantees against governmental interference. It assumed that responsibility for the general welfare could run to the people themselves without much common political action through governmental mechanisms. Today, the general welfare, and even those individual rights to life and the pursuit of happiness, depend in a much greater degree on coöperative efforts through the only agency which is common to all the people—their political establishment.

To perpetuate democracy and responsible government we are faced with certain imperatives.

1. We must discover and proclaim a social and economic program which will provide for Americans the essence of economic security and the personal freedoms which were inherent in our earlier system of democratic opportunity and, as we supposed, guaranteed by a responsible constitutional government. Political democracy must have its base in economic democracy today as it

did one hundred years ago, or it will disintegrate. Here is an integrating principle that should furnish a concrete goal for which a whole people can make common sacrifices.

2. We must accept the principle that the common agent of the popular will—the people's government—will be forced to undertake as public functions what the common need requires. The state of the arts, the distribution of natural resources, the organization of our economic life, work opportunities and the accepted standards of living—all will play a part in the determination of what this common need is.

3. We must make a conscious and continuous attempt to adapt the structure of our government to the changing environment in which political institutions work. No governmental forms are sacred. They are subject to the same laws of adaptation as are other structures, organic or institutional. If simple checks and balances fail, let us discover accommodations which may allow them to succeed.

4. We must recognize that, in spite of theoretical divisions of the field of governmental power, many of the problems facing our people have become national in their scope and must be met in some large part by a national attack. No amount of rationalizing or reasoning from precedent will change this fact.

5. We must promote an understanding of the democratic method and its implications. Self-government is impossible without a responsible citizenship. Any people which is uninformed, ignorant, short-sighted, inattentive to ideas or events, which has no capacity for independent decision, which has no defense against emotional contagion, which is fickle and gullible, is not prepared for the hard task of self-government. It lacks the stuff from which responsibility can spring. This the fathers recognized, and they determined that Americans, at least, should be armed for self-government through education. Today we are even more dependent on the educational process. And it needs to be much more persuasive throughout our whole population.

6. Most important of all in its final implications, we are faced with the youth problem and its relation to responsible democratic institutions. For how shall youth glory in a democratic process which fails, at least for the time, to open their door of opportunity? Youth the world over for generations fought the democratic fight. Just now youth everywhere listens to, and in many places has

followed, the siren song of the dictator and the power state. Youth wants work, wants a home and family, wants to be heard in popular assemblies, wants a decent standard of living, and wants those freedoms which are understood to be an American heritage. But youth now waits after leaving school an average of two years before finding a job which, on the average, is after all but temporary. Youth dares not establish a home or undertake family obligations until there is some semblance of secure employment. Youth faces the fact that the modal age of criminals in this country is nineteen, and that our crime bill is computed at thirteen billions a year. Everywhere the growing dependence on force as an instrument of economic and political advantage is in evidence. And so youth asks what the democratic method is doing in any responsible way to work out answers for its problem or to help it find its own. In some very real sense, then, our enduring quest for responsibility continues as a challenge to youth in each new generation. It goes on and on from age to age, showing its various facets, its changing aspects, its new and sometimes disturbing imperatives. Youth needs to believe in the democratic way if democracy is to be maintained.

To those, then, who maintain the faith, to those who still believe in representative government, I suggest that the American people are at this moment in dire need of a social goal to which they can aspire with confidence, a governmental structure which can meet the strains and stresses now and in the future to be put upon public agencies, and a citizenship which can be trusted to act responsibly in the premises. The quest for responsibility is a process of education—long, hard, and continuing. Men have followed this quest through the ages. It is our peculiar American obligation to carry on, with hope and confidence, so that our heritage may descend, strengthened and buttressed, to our children and our children's children.

THE BRITISH BUREAUCRACY AND THE ORIGINS OF PARLIAMENTARY POLICY, I

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I

This is a study of the factors that are at work in the determination of British legislative policy. With a tendency to generalize and over-simplify, various authorities have located this function in Parliament, in the cabinet, or in the civil service. Occasionally, mention is made also of the influence of the king or of pressure groups. Each authority is able to cite examples in support of his views, at least when his views have been challenged and mere assertions fail to satisfy. As a matter of law, it is easy to determine where the function lies; but the British constitution has never found in law the measure of its reality.

Contemptuous critics of democracy have been no less confused in properly locating this function than have been many of its supporters. Some defenders of the "democratic process" see the parliamentarian as one who translates the will of the electorate into public policy; and they see Parliament in turn delegating to technicians the duty of preparing the detailed rules that will effectuate that policy. Such a view may merely embody the fault of over-simplification—the statement of a process actual in most cases but deviated from on numerous occasions. On the other hand, such a view may ignore vital, though frequently unrecognized, facts. Moreover, doubt is cast upon its validity if cabinets customarily assume power under mandates that are shortly abandoned or which are too vague for precise realization; and additional doubt arises if significant proposals, though unconnected with party programs and occasionally finding little sympathy among the cabinet's supporters, are enacted into law. When the easily observable functions of Parliament seventy-five years ago are contrasted with Parliament's functions today, one finds that the very character of legislation has changed. It is also clear that the technique is not what it was formerly. Criticism of general policy has to a large extent been supplanted by a detailed examination of the provisions of a proposed law, accompanied by efforts to compel the adoption of amendments at every turn. As it is the main purpose of this

paper to examine the factors that have wrought these changes, the study will open with an investigation of the foundations of the contemporary bureaucracy. It will continue with an inquiry into the functions of ministers and cabinets in terms not only of the work to be performed, but as well of that work in relation to the character of the individual minister and his contact with the official class. This will be followed by a further investigation of the civil service, including a study of the character and training of these officers and the organization and structure of the service—examining particularly the relation to the main subject of inquiry of the administrative and executive class officers, of the specialists, of committees of inquiry, and of the Treasury. Finally, the civil service, Parliament, and pressure groups will be examined in their relation to each other and to modern democracy.

II

The problems that must be dealt with by Parliament are many, diverse, and often complex in character. Even one who is most devoted to time-worn theory is willing to concede that to get the work of law-making done, considerable delegation of authority must take place. But as the problem is not merely one of quantitative analysis, two questions arise: (1) May not the character of a law—the policy itself—be modified by the nature of the subordinate legislation; that is, may not the direction that legislation ultimately takes depend upon the intelligence, competence, and intentions of the delegate? (2) Is it not possible that in some cases one who, because of a lack of technical knowledge, is not competent to legislate on the details of a policy is greatly hampered in an effort to determine the policy itself; unless, of course, the policy is to be no more than the pious wish of well-meaning people?

The authors of most subordinate legislation are civil servants.[1] It is they who apply both law and "ordinance." The effectuation of a policy once formulated depends on the permanent employees of the executive; and whatever else they may do, the permanent officials are the agents who convert Parliament's intentions into actuality.

[1] The term "civil service" is one for which there is no generally accepted definition. Defined broadly as including all officers and employees concerned with the administration of the laws of Parliament—excepting those employed in the local government services—the number of members is not much under half a million. See Sec. v below.

Today most observers agree that certain high civil servants exercise some influence over ministers, and hence over Parliament and its policies. Such influence has not been acquired suddenly. Bureaucratic power—the power of an official class to exercise independent control in whatever degree it may exist—is itself a product of democracy; and its growth has been but slightly more gradual than the system that brought it into being. Aside from the defense services, its development has been occasioned by the demand of an expanding electorate—spurred to action by a few clear-thinking independent doctors, lawyers, sanitary engineers, educators, and journalists—for social services. As increasing masses of the people were enfranchised, both the friends and enemies of democracy in the past century looked for immediate and significant social changes under the guiding control of Parliament. It was hoped by one section of the electorate, and feared by another, that through parliamentary action the nineteenth century would bring with it factory acts providing shorter hours, fair wages, and healthy surroundings; government compensation for accidents, for sickness, and for the aged; improved sanitation, housing, and recreation in cities possessing new tax resources; a controlled drink traffic and a consequent curtailment of crime and pauperism; and a reformed educational system making education free, secular, and compulsory, with the result that the best careers would be open to the best talents.

But while the century saw progress, particularly in the period immediately following 1832, little public interest was shown in these problems. Nineteenth-century Liberals concerned themselves, rather, with personal freedom, national rights, international peace, free trade, and reduced governmental expenditures. The great debates of the century were not focused on the technicalities of social services, but centered upon Ireland, upon imperial and colonial policy, upon Welsh disestablishment, and upon tariffs. The most significant parliamentary achievements were of a basically different character from those of the twentieth century. They included the extension of the franchise, free trade, abolition of Negro slavery, the reform of the criminal law, and also some regulation of the new industrial system. The great parliamentary conflicts of the nineteenth century were dramatic ones, and the actors in this national London theatre were the heroes and the villains of the time. To be sure, Parliament had before it the results of able

surveys into the health of towns, sanitation, the labor of children, and unemployment; but it gave brief and unwilling attention to them, and they were all but ignored by the leading orators of the Mid-Victorian period. "The crusade falls to the ground for the want of a Saladin," wrote *The Times* in 1847. "There is nothing but stinks and malaria to fight with. Would that there was a fever party in Palace Yard or a 'Protection for British Disease Party' in New Bond Street. Will Mr. Shaw hold a brief for the typhus or the Duke of Richmond take his stand on diarrhœa? Then there will be a good prospect of a good sanitary law, too late for last summer but in time for the next."[2]

Yet Parliament gave some heed, though grudgingly, to the conditions that were the incidents of the new industrial system. While some reforms were adopted, they were unplanned and haphazard. Disraeli might refer to Bentham's disciple and one-time secretary, Edwin Chadwick, as a "monster in human shape," but it was Chadwick's almost fanatical zeal that compelled some action. The enthusiasm of this reformer and of a few others, both within and out of Parliament, led to the adoption of the Factory Act of 1833, the Poor Law reform of 1834, the Education Acts of 1833 and 1839, the penal reforms of 1835, 1865, and 1877; police reforms came in 1829, 1835, 1839, and 1856; and to these should be added the Registration Act of 1836, a series of Vaccination Acts of 1840 to 1871, and the grants-in-aid policy of 1845.

The reforms of the two decades following 1832 are significant for other reasons than that they increased the functions of the government. The view commonly held prior to the industrial revolution, that judicial officers were competent to control local administrative activity, began to go into the discard. Bentham, with his new ideas about administration, coupled with a distrust of lawyers, inspired a movement for strong central administrative control that laid the foundations for the Whitehall of today. The impetus toward reform had to come from outsiders; there was no minister in London, backed by a staff of civil servants, charged with the supervision of local government.

Nevertheless, the trained official was beginning to emerge. The Factory Act, passed immediately after the first enlargement of the electorate, significantly called for appointment of inspectors.

[2] Quoted by J. L. Hammond, "The Romance of Nineteenth Century Politics," *Political Quarterly*, Vol. 2, p. 239 (Aug.–June, 1931).

The power to control remained in Parliament, but it was this inspectorate that pointed the way toward further reform. Chadwick, in assisting in the administration of the Poor Law of 1834, fixed the character of this field of control. Inspectors appointed under the Education Act of 1839, through their reports, led the way to reform later in the century.

The reform of the civil service, begun in 1855 and continued in 1870, is of significance, for it is indicative of the fact that the service had grown to such size and importance as to require the recruitment of qualified men and the abandonment of the inefficient methods of political nomination. With the adoption of civil service reform, the service experienced a constant infusion of men of pronounced ability. The professional administrator had become a factor in British government; in the future, the service could more easily attract men of the ability of Chadwick, Sir James Kay-Shuttleworth, Sir John Simon (1816–1904), and Dr. William Farr.

The last half of the nineteenth century passed with greatly increased and strengthened administrative control in London, in spite of the fact that the drama of politics failed to develop a plot centered in Whitehall. While this progress had not yet reached a point to bring forth a nineteenth-century Lord Hewart, the foundation for the lamentations of that twentieth-century Jeremiah was being soundly laid. A new Local Government Board was launched, with a staff of experts empowered to enforce a strengthened and consolidated Poor Law-Public Health Act. Extension of the powers of the Home Office and the creation of the Board of Education further enlarged the supervisory powers of the government over local affairs. Administrative activities in agriculture and trade were likewise extended. A program of compensation for industrial accidents was inaugurated, although it was not brought to completion before 1906. And in this period, the power of the Treasury to supervise the other departments was partially established.

Although it is difficult accurately to delimit periods of national development, the year 1906 may be taken as opening a period that wrought a significant change in the British constitution. The developments of the years 1906 to 1914 bear some resemblance to those of 1832 to 1848, in that both brought significant reforms in governmental activity in the realm of social controls. One may not, however, set down the years of the Liberal party's return to

power as bringing a sudden shift from a period of reaction. On the contrary, notable changes had taken place before the Liberal victory of 1906. In 1902, for example, the entire educational system of England had been overhauled, the new plan having been devised in the mind of perhaps the most forceful civil servant of modern times, Sir Robert Morant, and driven through a Parliament almost wholly opposed to it under the formal guidance of Arthur J. Balfour. In addition, the notable investigations and recommendations of an Interdepartmental Committee appointed in 1903 by the then Lord President of the Council, the Duke of Devonshire, had been published in 1904. "The Committee examined sixty-eight witnesses, of whom half were medical experts," and their report concluded with "fifty-three recommendations affecting urbanization of the people, overcrowding, atmospheric pollution, employment, alcoholism, the depletion of the rural districts, food supply, 'the conditions attending the life of the juvenile population,' syphilis, insanity, vagrancy, etc . . . . The influence of the Report [upon Parliament] was considerable in the ten years following it, and many of its recommendations were incorporated in legislation."[3]

Although the years of Liberal ascendancy prior to the opening of the World War constitute an era of reform, no such accomplishments could have been reasonably expected from the mandate received by the party in the election that returned it to office in 1906. The issues then outlined by the party had been phrased in old terms with which the people were familiar: a new era of political righteousness and radical reform, an end of the sending of coolies to Africa, a reduction in army and navy expenditures, Irish reform, a reform that would make the land "a treasure house for the nation rather than a pleasure ground for the rich," a reversal of the Taff Vale judgment, and the removal of Church control of education. On the other hand, the growing issue of woman suffrage was ignored, and the reform of the House of Lords and the problems of war were not yet visualized.

[3] Sir George Newman, "The Health of the People," *A Century of Municipal Progress* (1935), p. 168. Newman listed the most significant of these laws: the Open Spaces Act and the Education (Provision of Meals) Act, 1906; the Public Health (Regulations as to Food) Act, the Notification of Births Act, the Public Health Amendment Act, and the Act establishing the School of Medical Service, 1907; and certain health and welfare acts culminating in the Maternity and Child Welfare Act of 1918. *Ibid.*, p. 168.

The Government, lacking in cohesion, had a difficult time: the Fabians were indoctrinating the new Liberals with the ideals of radical social reform and advocating the use of the expert in government; the lusty young Labor party was preaching socialism and the confiscation of property; the Irish members were restive, suspicious, and uncomfortable in their new position. The Government failed politically until the party was rescued by a popular issue that led to the Parliament Act of 1911. The problems of education, liquor, and suffrage were unsolved, while expenditures were markedly increased. The Lords fundamentally changed measures close to the hearts of active non-conformist supporters of the Government, and defeated more than half a dozen major Liberal proposals. The Conservatives might have come back into power if they had had something more than a protective tariff to offer the nation.

Unable to fulfill its major campaign pledges, the Liberal Government turned its attention to a different type of social reform, prodded to action, from without, by Sidney and Beatrice Webb, Bernard Shaw, Graham Wallas, J. A. Hobson, H. G. Wells, and others, and from within, by an extended and improved civil service. Although the civil service was still largely dominated by the old families, hundreds of new officials were being appointed to administer the new old age pensions, labor exchanges, national insurance, and finance acts. In this period, Morant was training a group of brilliant young administrators who were to exercise tremendous influence from that time to the present. A program of workmen's compensation had been undertaken late in the nineteenth century, but it was out of the experience of the Home Office in administering the act that there arose the most significant reform in this field, the law of 1906. In the creation, in 1908, of the Port of London Authority, a new agency of governmental control appeared, one that was later to gain popularity. This new institution was semi-bureaucratic, and involved joint action of individuals both in and out of government. In addition, trade boards were established to determine minimum wages in certain industries; the first town planning act was passed; a national development commission was appointed; a census of production was taken; and a housing law was enacted. In this same period, the government took over the operation of the telephones. These years, therefore, present a democratic reaction against the dominant imperialism

of a few years earlier. From 1909 to 1914, government expenditures increased nearly forty-seven per cent. The foundations of the present-day civil service were greatly strengthened, for the home service was not only open to ability apart from class considerations, but men of ability had made their way into it. The view of H. G. Wells, expressed in *The New Machiavelli*, was based on something more than imagination. When told, the complete story of the effect on the service of the reforms of 1906 to 1914 will prove a fascinating one.

The World War imposed upon the service a new and heavy burden. Even junior members were suddenly advanced to positions of authority. To a degree, this was fortunate for the service, for members thus reached positions of authority within a few months that normally would have required years to attain, even had the expansion of 1906 to 1914 continued. And the War gave the nation a chance to evaluate the character of this rapidly developing institution. Previously, the civil servant had been criticized as a stickler for form, swathed in red tape, living a calm unruffled life in the safety of his position, with the expectancy of an easy old age on a pension that should not be jeopardized by the least unconventional activity. The contrast of this official with the business man was frequently made. "The civil servant," E. M. H. Lloyd has written, " . . . needs to develop . . . tact, subtlety, and industry rather than leadership, forcefulness, and enterprise . . . Many business men brought into Government Departments [during the World War] developed the best qualities of civil servants and even some of their faults . . . The civil servant learnt to take risks and assume responsibility, and the business man learnt to work in harness and take a broad view. Neither the 'typical' business man, who goes straight ahead without forethought or deliberation, nor the 'typical' civil servant, who shirks responsibilities and discovers convincing reasons for doing nothing, was characteristic of war-time administration. The type which came to predominate approximated a new class of professional administrator—a man with a gift for leadership and team-work, a public spirited outlook, and a moral courage and force of will strong enough to face criticism and conciliate the vested interests in his path."[4] Nor did the end of the War see the civil service return, either in fact or in the public mind,

[4] *Experiments in State Control* (1924), pp. 394–395.

to the earlier position graphically described by Trollope in *The Three Clerks.*

III

The ability of the minister, primarily the cabinet minister, to dominate the affairs of his department is conditioned not only by the energy, capacity, and personality of the man himself and by the character of the work of his department, but also by the manifold non-departmental activities that are required of him. He must examine minutes and otherwise prepare himself for, and attend, meetings of the cabinet. Not the cabinet alone, but committees of the cabinet as well consume the minister's time, for he cannot limit his interest to matters that concern his department only. When Parliament is in session, most ministers find it impossible to avoid spending considerable time in attendance; merely to limit attendance to answering the division bells means frequent interruptions to departmental work. Moreover, few ministers can avoid occasional calls from constituents and visits to their constituencies. Social functions also make demands that cannot be ignored. Finally, since a minister is a party leader and his future is bound up with the organization, the party may demand his active assistance, even by speaking at by-elections. Should, therefore, a minister desire to avoid administrative work, he can find ample excuse for doing so.

Only in exceptional cases has a minister had professional experience in the work of the department of which he is the head. A Carson might boast that his only qualification for the position of First Lord of the Admiralty was that he was "absolutely at sea"; and R. B. Haldane, later one of the most effective of cabinet ministers, wrote of his entrance into the work of the War Office: "The next day the generals on the Army Council came to a first interview with the new Secretary of State. After a short talk, the leader said to me that they all felt that, without going into details, they would like to have some general idea of the reforms which I thought of proposing to Parliament. My reply was that I was a young and blushing virgin just united to a bronzed warrior, and that it was not expected by the public that any result of the union should appear until at least nine months had passed. This was reported by the Generals to the King, who accompanied with mirth his full approval of the answer."[5] The same department provides

[5] R. B. Haldane, *An Autobiography* (1929), p. 183.

an illustration of another type of minister in Bromley-Davenport, who became Financial Secretary of the War Office in 1902. He "opened his tenure of office by writing 'I don't agree' across the completed and approved papers in the War Office Journal scheme. 'How,' wrote Field Marshal Sir Henry Wilson, 'can good work be done with such fools'?"[6] Seldom is the Minister of Health a doctor, the Minister of Agriculture a farmer, or the President of the Board of Education a professional teacher. Sidney Webb's work as Colonial Secretary was based upon other considerations than the fact that he had earlier served the Department as a second division clerk. In fact, such experience is commonly thought to be a disadvantage. The qualifications of a successful cabinet minister, we are informed, are "a spirit of patriotism," "a strong native intelligence," a "mind of a man of the world," "a sense of proportion"; and it has been stated that the minister should be a "man of impetus, tendency, and construction, not of Departmental science."[7] As the affairs of government become increasingly complex, the question arises: Can a minister in a democracy—in any form of government, for that matter—control the activities of a department which he neither understands nor to which he is able to devote the time necessary to grasp and control? One is reminded of the "dying complaint of the autocratic Nicholas that Russia was governed by ten thousand clerks."[8]

Some British commentators are hostile to the suggestion that a minister should have special knowledge of the work carried on by his department. Such hostility is apparently based on the fact that the present system is an inheritance from earlier times, and that, despite ministerial ignorance, the department's work is actually carried on. A man with more than an amateur's interest in the department may fail, it is feared, to view the problems of his department in a broad light, or accurately to relate his own departmental problems to those of other departments. Even those students of the British system who see no harm in the appointment

[6] Quoted in W. I. Jennings, *Cabinet Government* (1936), p. 97, note 1.

[7] Earl of Birkenhead, *Contemporary Personalities* (1924), pp. 201–202; H. Finer, *The British Civil Service* (1937), pp. 179–180.

[8] L. T. Hobhouse, *Democracy and Reaction* (1905), pp. 146–147. Some months ago, the writer listened to a vigorous debate in the House of Commons concerning the activities of one of the large home departments. A few days later, he learned from a responsible permanent official in the department that many of the statements made in defense of the department by its political head were inaccurate; the misrepresentation having been based on ignorance, not on bad faith.

of a Minister of Agriculture who is a farmer, admit that, as minister, he must have other qualifications than a knowledge of agriculture. Still, the suggestion is not often made that the Lord Chancellor fails to measure up to high cabinet standards because he is a lawyer. Although there is no institution of such a name, the Lord Chancellor presides over what has been called a Ministry of Justice. As head of this ministry, he has large judicial appointive powers through which he exercises some control over lower courts, and he is responsible for a considerable portion of the rules governing the Supreme Court of Judicature and for the rules of the county courts. Although it is commonly thought that rules of judicial procedure are more technical than rules governing health, in reality it is probably no more essential that a lawyer serve as Lord Chancellor than it is that a doctor be selected as Minister of Health. However, students have not seen a weakening of the government by placing a specialist in charge here. Sir Edward Troup, who served for many years as permanent head of the Home Office, said that the political chief need not have technical knowledge, but he must possess sound judgment, courage, and moral power sufficient to enable him to gain the confidence of the House of Commons. With these qualities, he will be "a good Home Secretary from the day he enters on office."[9] Sound judgment according to the view of the civil servant may be a far cry from the sound judgment of Parliament or the nation. A minister whose outstanding characteristics are a sense of proportion and moral power will certainly be welcomed by the non-political department head who has his own plan of action.

Cabinets are not well rounded homogeneous units. The members may be classified roughly into three groups: those who are lazy, those who are able and dominating, and those who are willing but cautious. That these officers are not of a single uniform type, and that they exercise varying degrees of influence, may be discovered without hiding behind chairs at cabinet sessions or listening through keyholes to conversations of their permanent advisers. The not uncommon "promotion" of a minister who has too strong a following in the House of Commons to justify dropping him from the cabinet after obvious and well-advertised blunders tells a story in itself. Prime ministers, moreover, seldom make the mistake of appointing to the cabinet individuals who, although of proved

[9] C. E. Troup, *The Home Office* (1924), p. 5.

administrative and parliamentary worth, possess a brilliance and popularity that challenge comparison with that of the prime minister himself.

There are those ministers who in the natural quest for a reputation find departmental work and its incidents distasteful. They may be men of ability, but indolent, finding it both easier and safer to give their permanent officials full sway. To put through Parliament an elaborate and detailed bill that has to be defended clause by clause means long hours of hard work, not only on the floor, but in the tedious and often boring preparation for parliamentary debate. The prospect of presenting to Parliament a short one- or two-clause bill embodying a general policy and empowering the minister to develop the policy "as His Majesty in Council may direct"—a euphonism generally involving the minister, His Majesty, and the Privy Council only in the technical sense—is tempting to ministers of the type now under discussion. And such a procedure has proved highly successful, if not from the point of view of democracy, at least with the object in mind of carrying on the work of administration.[10]

In his *Memoirs*, Sir Almeric Fitzroy, clerk of the Privy Council for nearly all of the first quarter of the twentieth century, wrote: "We had some talk about the personal idiosyncrasies of Ministers and the disposition to shirk trouble most of them display. With the exception of Haldane and Crewe, and perhaps of Lord Morley and the Chancellor [Lloyd George], there is not a hard worker among them, and their disinclination to read Cabinet papers, an incurable malady, has resulted in departmental independence not far from ministerial anarchy."[11] This is a harsh judgment, but, with a change of names, one that could be repeated for some of the more recent cabinets. That such ministers are more numerous than is generally supposed may be inferred also from the statement of another civil servant that "some departments may achieve despotism but more have despotism thrust upon them..."

At the opposite extreme, we find a different type of minister, a man of great force who runs his department with a knowledge of—

[10] The Explosives Act of 1875 was made so elastic that for half a century changing needs were met by orders of the Home Secretary or orders in council.

[11] Vol. 1, p. 390. It is a common experience for students of British government to be given in confidence facts which, if generally known, would modify the great esteem in which some well known British personalities are held.

or even in spite of—essential facts. To enumerate these ministers is difficult.[12] Informed observers believe the list of these capable and dominating ministers to be a small one, and most of them agree that the present century has seen emerge not more than half a dozen men of this type. In the War Office, Haldane moved with caution at first, but with growing knowledge gained as departmental chief, he came more and more to be master of his department; as Lord Chancellor, he effectively supervised the work of the office, and did this in spite of the fact that he found it necessary to devote much time and energy to cabinet affairs.

Both politicians and civil servants agree that Lloyd George was the real first-officer in the departments he headed. While it is true that Morant exacted a sort of compromise from him in the application of the health insurance laws in 1912, the basic demands of the politician prevailed. At the Exchequer, his work was somewhat less successful than elsewhere; for this department was less concerned with the development and imposition of great social reforms than with a close study of statistics, which Lloyd George found distasteful and avoided.

Probably no minister of the present century has exercised a more decisive influence over his permanent officials than has Winston Churchill in his many executive positions. He felt the opposition of both civil servants and cabinet colleagues, but he was ruler in his own house. The cabinet bickered for five months over his huge Admiralty estimates in 1913—sums thought decidedly inadequate by the Sea Lords—but finally accepted them. His permanent secretary in the Home Office unsuccessfully resisted many of his demands, and resisted with such fervor that at the close of the day the secretary was often found in tears by his subordinates. In a conflict among the technicians, it was Churchill who made the decision, and this without reference to the rank of the adviser. Against the wishes of his chief civil service aides, but with the strong and enthusiastic support of some of the younger and more imaginative subordinates, he stimulated the development of the

[12] The basis of this difficulty is easily understood. Ministers wish to appear in Parliament and to the public as effective departmental leaders. By both law and tradition, the mouths of those who could tell the truth are often sealed. Long after the event, facts may come to light that dispel the illusion of ministerial leadership, as was the case with Sir Edward Grey at the Foreign Office. The Fitzroy *Memoirs*, in commenting on the departmental service of Hanbury at the time of his death, explain the foundation of much of this difficulty. See Vol. 1, p. 129.

Air Force. The Earl of Birkenhead gives him credit for having procured the adoption of "the tank conception" in the War. Churchill's influence in the Ministry of Munitions is attested by the greatly increased efficiency of the department after he had taken charge of it. While he showed no contempt for experts, his actions were in agreement with the view which Balfour is said to have expressed, that experts were to be respected, but "he had never come across one who was not better for a twenty minutes' cross-examination by a layman." But even so potent an administrator as Churchill was unable to carry out one of his cherished aims. At the opening of the 1924–29 Conservative Government, he gave his pledge to the nation that he would bring about a reduction in supply expenditure at a rate not less than ten million pounds yearly, a reduction, he said, that could not be considered extravagant. In spite of this promise, the budget showed an increase for every year except the last, and the final budget was two million pounds in excess of the first.

At the Foreign Office, Henderson guided a policy often contrary to the wishes of his permanent advisers. He, unlike most Foreign Secretaries, entered office with a well-defined program, one to which he and his party were clearly pledged. He took pains to explain his objectives to his civil service aides and obtained not only their coöperation but also their respect. At foreign conferences, he found it an effective device to pledge his government to programs that he approved, and then to insist that his subordinates carry them into effect.

The majority of ministers are found in the third group mentioned above. They are willing but cautious. The task of managing a department is difficult, even for men of unusual initiative and independence. As a minister is provided with data upon which to base his decisions,[13] he can, if he wishes, make himself the real head of his department. But to do so he must master this information;

[13] The minister has many sources of information available to him other than the permanent officials. It is an unusual department that has not had at least a part of its work examined by a royal commission, a select committee, or a departmental or interdepartmental committee of inquiry. The reports of these agencies are mines of information, and often their conclusions embody markedly differing views in majority and minority opinions. The departments also commonly have advisory committees—frequently many of them—constantly functioning, the opinions of which are available to the minister. Furthermore, the minister may examine the proposals made by independent investigators.

and this requires hard and independent work. On matters that call for action by the political head, minutes are presented to him. These minutes, often having passed through the hands of many subordinates, enable the diligent and intelligent minister to examine the opinions of a variety of his civil servants and, where varied opinions are presented, make it possible for him to base his own conclusions on something more substantial than a hunch. But in cases where the minister depends on his chief permanent adviser for the selection of materials for examination, a minister of the type we are discussing will fail either to discover or to weigh properly the conflicting opinions that exist either in the lower ranks of his department or entirely outside the service.

The minister takes office assisted by—one might say, confronted by—the cream of the civil service, men selected by a highly competitive system, and usually with twenty or more years of training in the government service. The traditions of the service demand that the permanent secretary and under-secretaries show polite deference to the wishes of the new chief. The individuality of the minister as well as of the permanent head will, it is true, go far in determining future relationships. But when a minister enters a department for the first time, the adviser may suggest a slow and careful start. He may urge the minister to wait and learn for a few months before taking action, and thus avoid possible blunders.

The extent of the dependence of the minister upon his civil servants is difficult to determine when, as is generally the case, he and they possess the same social outlook. Definite knowledge upon this point is difficult to obtain, for on the floor of the Commons and in the press, all ministers appear to be actively in charge of their departments, in spite of the well known fact that ministers are coached by civil servants who also prepare the answers to questions asked in Parliament, and remain close at hand to prompt the minister in case of need. Bernard Shaw, in the preface to *The Apple Cart*, stated—with customary exaggeration—that "the nearest thing to a puppet in our political system is a Cabinet Minister at the head of a great public office."

Where, on the other hand, ministers and civil servants were originally of clearly different social points of view, the evidence of the dependence of ministers on civil servants is much clearer. Philip Snowden's sympathies were with the Socialists when he headed the Treasury in a Labor cabinet, but his budgets might

well have been drawn up by Conservatives. Like the work of Sir Edward Grey in the Foreign Office, Snowden's work at the Exchequer was that of a sincere, energetic, and highly popular official. But the influence of his permanent officials and of outstanding persons of the City outweighed that of his cabinet colleagues; and before many months of service, the radical became proud of his conservatism.

George Lansbury, First Commissioner of Works in the second Labor Government, strove for many reforms, particularly in the fields of unemployment, old age pensions, and education. As one of a group of officials called upon to solve these problems, he found the road to reform blocked at every turn by the civil servants. These officials, he said, acted quite constitutionally, refusing to comment on policy, only deciding whether or not a proposed policy would work. But Treasury representatives always found reasons why ministerial proposals could not be carried out. Lansbury soon came to feel the futility of his position, and concluded that if a Socialist Government was to succeed, dependence could not be placed on civil servants who were not Socialists. Sidney Webb presented an opinion in 1926, after Labor's first brief period of power, that he could not have repeated after Labor's fall in 1931: "I and my colleagues have had the experience of coming as new people to offices which might legitimately have presumptions and traditions against us, and I am sure I am speaking for all my colleagues when I say that we have nothing to complain of in regard to the loyalty, fidelity and zeal with which we found ourselves assisted during our short period of office."[14]

IV

Thus far, we have considered the work of the minister as an individual. Before going into a detailed examination of the organization and functions of the civil service, it will be well to look briefly at the functioning of cabinet ministers in their quasi-corporate capacity. Not for more than seventy years has Parliament dominated and actively controlled the cabinet. On the contrary, party organization and parliamentary procedure have placed the cabinet in a position that enables it to dictate to Parliament. Thus, while the Cabinet has superseded Parliament as the formal

[14] Hansard, April 14, 1926, Col. 304. See W. A. Robson, "The Public Service," *Political Quarterly*, Vol. 7, p. 184 (April–June, 1936).

directing agency of the government, the real test of cabinet supremacy is the degree to which it controls its members, and through them the departments.

Although the functions of the executive have increased greatly in the last quarter of a century, the work of the cabinet as a formal body has, except for a few brief and unsettled periods, grown little if at all. The present century has seen the institutionalized cabinet —the body itself and the agencies through which it functions— undergo a development that has resulted in a significant modification of the British constitution. Had the earlier haphazard method of handling cabinet business been continued, the work of this body would have bogged down by its own weight. In the development of the cabinet secretariat, observers have seen the most marked deviation from nineteenth-century ideas; but this is true in only a formal sense. The secretariat has made for order in the handling of cabinet business and has diminished the dilatory procedure of thirty years ago. But with the secretariat organized as it is today, striving to perform the functions of a secretariat and nothing more, the change is actually of no great significance. Without the secretariat, it might be necessary for the cabinet to double or treble the number of its meetings. Yet if they were increased to two hundred or more sessions annually, the members could still find time to attend, distasteful though it might be.

The bringing into cabinet meetings of outsiders, the preparation and circulation of formal agenda, and the keeping of minutes have all been viewed by some as a severe shock to the constitution. But the use of cabinet committees, though a much more gradual and less spectacular development, is in reality a matter of greater significance. In his *Cabinet Government*, W. I. Jennings states that the cabinet can usually dispose of fifteen items in a two-hour session.[15] This may be due partly to the fact that "experienced ministers are accustomed to rapid decisions," but it is mainly due to the committee work that has taken place before the agenda was prepared. In an earlier period, the contact of the bureaucracy and the political executive was found largely, if not solely, in the relations that the minister had with his permanent subordinates. Today, the service touches both the minister and the cabinet at every point. A large proportion of the problems that reach the

[15] P. 194.

cabinet originate with the departments; and the cabinet secretariat aims to enforce the rule that no question shall be brought before the cabinet until it has first been submitted to the department or departments concerned. Submission of matters to the departments involves more than a simple departmental examination, for the rules require that departments append to the question their memoranda, and that the file, often greatly expanded, be submitted to the individual members of the cabinet several days before it is to be discussed by the cabinet. While most problems can be solved by the department or departments concerned by conversations or by the circulation of minutes, the few remaining problems go to the cabinet. When a brief cabinet discussion fails to resolve doubts and bring about an immediate and acceptable decision, the matter, especially if it has not been amply explored by the departments, will be sent to a cabinet committee for its recommendations.

At times, more than two dozen committees are at work, and these are further divided into sub-committees and sub-sub-committees. Many of these are *ad hoc* agencies, but some—for example, the Committee of Imperial Defense and the Home Affairs Committee—are thoroughly institutionalized and made semi-permanent or renewed by each cabinet. Regardless of departmental consideration, certain matters regularly go to the proper cabinet committee; and through these firmly established agencies the formal cabinet is relieved of much of its work. Although cabinet committees merely recommend, their effectiveness is attested by the fact, stated above, that, once the committee's recommendation reaches the cabinet, it can normally be disposed of in less than ten minutes. Since it is in the cabinet committee that the politician again meets the civil servant, and since the word of the committee is commonly the deciding influence in cabinet decisions, it seems hardly realistic to say that the cabinet as the political branch of the government makes the decision and passes it on to the civil servants to effectuate. The more technical the problem, the more important will be the part taken by the civil servants. Much of the work of the committees is more intimately related to administration than to legislation, but inasmuch as the power to enforce a policy is a part of the policy-making power, and since general policies cannot be completely separated from "matters of detail," the place of the cabinet in policy formation is neither as definitely fixed nor as significant as is sometimes supposed.

Control of the cabinet over the work of its own members is hardly as complete as might be inferred from the foregoing statement. In some spheres of its activities, the cabinet is clearly lacking in cohesion; and this is particularly true in the field of finance. The Chancellor of the Exchequer, advised by his permanent officials, decides upon the departmental estimates by dealing directly with the minister of the department concerned and his advisers. Only in cases where such a bilateral agreement cannot be reached does the matter come before the cabinet. Furthermore, only a few days before the budget speech is delivered is the cabinet informed respecting the sources of the nation's revenue for the ensuing fiscal period. Whatever coördinating influence there is comes, not from the cabinet—the members of which, according to the constitution, are jointly coöperating in the solution of the nation's problems—but from the Chancellor and his officials, and, of course, from the prime minister, whose general authority has been greatly augmented since the formation of the National Government in 1931.

A comparison of cabinet promises before election and cabinet performances thereafter, and also of the complementary character of much of the work of successive cabinets, is enlightening. More recent divergences between promise and performance are well known, but this is hardly a new development. The Conservative Government of 1900 was pledged to avoid controversial topics. Very soon, however, it attacked the two most controversial problems of the day: liquor and education, the latter at the suggestion and under the guidance of Sir Robert Morant. The contrast between the party pledges and the parliamentary accomplishments of the Liberal Government of 1906–14 has already been mentioned. As Lord Chancellor in the early 1920's, R. B. Haldane proposed law reforms that involved amendment of certain existing statutes. The fall of the Government, however, prevented the adoption of these reforms. But when Haldane was succeeded by Lord Cave, who had previously been unsympathetic, these same reforms were taken up by him and pressed for adoption. In 1924, Haldane was back in office with the first Labor Government, and he continued working for the adoption of these measures; but the brief tenure of this Government made it necessary for the completion of the work again to be passed on to Lord Cave. The story of central government stimulation of housing reforms is much the same,

except that each Government made a slightly different attack on the problem. Similarly, the Electricity Bill of 1926 was planned under the first Labor Government, but written into law by Conservatives, although in the process of enactment the opposition came chiefly from Conservative benches; Labor gave the bill support in debate. The story of the consolidation of the passenger transportation facilities of London falls into the same mould.

Much of the legislation that the cabinet is willing to sponsor comes, of course, from the permanent staffs of the departments, men who are alive to needed reforms. The Rating and Valuation Act of 1926 is an example, the original suggestion coming from the departments. A common phase of the influence of the civil service on the legislative process appears in connection with measures that are termed non-controversial. Proposed by the civil service, the cabinet accepts them, the prime minister confers with the leader of the Opposition, and if no objections are raised, the bill is allowed to pass. It is of some interest to note in this connection a fact well known to influential civil servants, that such measures are much more readily accepted by both the prime minister and the leader of the Opposition immediately after, than just before, a general election. The planning and adoption of the important Local Government Act of 1929 presents an example of a common, although slightly different, process of law-making. In this case, the original pressure for reform came, not from the departmental staffs, but from the Conservative members of Parliament, who had long felt the weight and inequalities of local taxes and had demanded reform. The civil service prepared a measure which gave the desired relief, but a measure which is more noteworthy for numerous other provisions, through which there was secured a thorough overhauling of local government—a reform for which Whitehall had long been devising plans.

However, the cabinet does not function simply to force through Parliament the legislation that is desired by the civil service. The files of the departments contain many items of proposed legislation, some of which have been formulated for many years. With some of these the cabinet in power has no sympathy; on occasion, it is actively opposed to them. Consequently, nothing is done; adoption has to await more favorable circumstances. The best known example is that of the proposed Factory Act, long ago prepared by the Home Office staff. The political parties have all expressed their

interest in it, but none risks taking action. Years ago, the Committee of Imperial Defense prepared a measure to control the admission of aliens. It took the impetus of the World War, however, to get the measure enacted; under war pressure, the measure was introduced, passed by both Houses, and given the royal assent in the brief space of three and a half hours.

(*To be concluded in April*)

A Court of Qualifications as a Forum of Removals and Retirements. The proposal in 1937 to "pack" the Supreme Court may have been an adventitious attempt directed at particular persons under displeasure, open to every criticism based upon principle. But it at least skirted part of the border of a serious problem which did not disappear when that particular scheme was repulsed. No matter whether one held with the President in his contention, or abhorred the device—no matter how little one thought the ages of the justices then sitting had to do with the complaints lodged against them—one knows that senility has in the past overtaken and may again overtake justices of that Court and impair their faculties, and that it may do so before they reach the age of seventy-five, by the same token as one knows that it has failed to overtake others who sat on the Court long past the age of four score. One knows that senility will not spare the judges of inferior courts, or respected functionaries in the executive branch. One knows that in other cases arbitrary and unjudicial conduct will disgrace the federal bench, as has happened in the past. One knows that even a chief executive may become so disabled as to lose his capacity to execute his office.

And one knows that we are ill-provided with adequate means for dealing with situations of these sorts. The Constitution mentions the President's disability only to say that the powers and duties of the presidency shall devolve on the Vice-President, and that in case of the inability of both President and Vice-President to discharge those powers and duties, another officer shall act to discharge them "until the disability be removed, or a President shall be elected." There is no intimation of how or by whom the inability of either one or the other is to be ascertained in case of doubt or dispute. And in the case of judges, the Constitution says merely that they shall hold their offices during good behavior, vouchsafing no word about how the want of such behavior is to be ascertained and acted upon.

True, the Constitution provides for impeachments; and these have been resorted to for derobing judges whose behavior seemed grossly wanting in goodness. The first notable attempt to use impeachment in the case of a justice was one in which the difficulties seemed to spring from an impaired mind more than from willful misconduct. But neither in Parliamentary history nor in the Constitution is impeachment coupled with simple disability or with ordinary, petty ill behavior by a deficient judge or officer. It is the weapon by which great offenders against the life and policy of the commonwealth are to be brought to book, who cannot be brought to answer fittingly in ordinary proceedings. It is properly as much political as it is judicial, or more so. The Constitution in words limits its use to cases of "treason, bribery, or other high crimes

and misdemeanors." That is a blanket elastic enough to cover political offenses not sharply defined in the criminal code, but it is a bit loose for the venial peccadilloes of judges who are simply too small in mind and character for judicial post.

So long as there are no other means, the House of Representatives, as the Grand Inquest of the Nation, must bring impeachments when they cannot in good conscience be avoided, and the Senate must try them. But neither House nor Senate relishes the impeachment of a local judge. A resolution of impeachment by the House is in fact the culmination of a rather extended proceeding which in most cases starts with a petition of complaint by the legal profession of the district or circuit where the offending judge serves, or by dissatisfied parties. The Judiciary Committee in effect holds a preliminary informal trial, and on the basis of its report the House determines whether to impeach. If the decision is to do so, the committee leaders become managers or prosecutors to present the supporting evidence to the Senate, sitting as a court of impeachment. The task is disagreeable for both houses; during the trial, the regular and ordinary work of the Senate is suspended for days or weeks, in order to unseat, perhaps, one judge of questionable fitness. If impeachments of this order were not rare, the Senate would have little time for its proper work. If there were a simpler procedure and another forum, judges who now escape impeachment might be unseated for want of good behavior.

It takes the concurrence of two-thirds of the senators present to convict in an impeachment trial. In the most recent instance, this majority was not reached in the votes on any of the first six counts charging specific offenses. It was barely reached on the last count, which was an omnibus conclusion, derivative from all the particulars alleged, that the judge's behavior, in effect, was less than good. Perhaps such judges ought to be displaced. But impeachment is plainly ill-adapted to purging the courts of unjudicially behaving judges who have abstained from treason, bribery, or flagrantly offensive misdemeanors. And how much less adapted it is, in the case of simple disability of a judge or a president, one's sense of proportion will tell him. Yet the words of the Constitution do not explicitly point out any other remedy or recourse. And so one finds Congress creating additional judgeships in districts which need but one, because the minds of the incumbents have failed to the point of removing them from regular service, though not from office. This is a kindly makeshift, but not an altogether safe solution, as one can readily see who imagines a judge deranged, but with the energy and the will remaining to assert and insist upon the prerogatives of his seniority.

Former Judge Hatton W. Sumners, of Texas, chairman of the House Judiciary Committee, has had a full portion of the onus of impeaching judges of the inferior courts of the United States, and holds a firm conviction that the Congress should be relieved of the sole responsibility of

purging the bench. He shares the belief of many others, too, that impeachment is not an exclusive mode of dealing with judicial ill-behavior. Believing it to be a justiciable matter, he has evolved a bill[1] authorizing the bringing of what amount to ouster proceedings against a district judge, to be heard and determined in a circuit court of appeals. The bill passed the House June 22, 1937, after a rather able debate on its constitutional aspects, and against earnest opposition. It has not been reached in the Senate, but members of that branch were known to be divided in opinion as to the constitutionality of any such proposal.

There is no purpose in this article to canvass the questions of constitutional law raised by Judge Sumners' bill, though the writer inclines strongly to the view that the power is there, awaiting only the means to be exercised. The writer agrees also as to the unsuitability of impeachment for effecting dismissals on such grounds as want of good behavior, judicial unfitness, senility, or other disability. So he would be very glad to see the Sumners bill become a law.

At the same time, one cannot avoid recognizing that neither the Sumners bill nor any other resting on the same premises can entirely fill the need. The peculiar and difficult grounds on which its constitutionality must be supported compel its author to work under cramping limitations, and considerations of practicability restrain it. In its present form, it ventures no higher in the judicial hierarchy than district judgeships; for the difficulties in the way of its operation are much greater with the judges of higher courts. The bill as it passed the House was in a form considerably different from that in which it was introduced, and the difficulties of design and drafting were not all overcome, and are not likely to be overcome to general satisfaction—for they are inherent in the existing situation.

Taking the bill as written, applying to but one grade of judges and to none of the executive bureaucracy, it would reach only to cases where want of good behavior can be established. Incapacity, coupled with exemplary effort and conduct, would not disqualify. An infallible genius for bad law might go on for decades making decisions only for superior courts to unmake them. Sloth and negligence could shelter behind the admirable specification of tenure; partisan bias and fanatic deviousness could work beneath the cloak of judgment.

Let it be considered, then, whether the need is not for an orderly method by which removals necessary for the well-performance of the public business may be effected, whether of judges or of executive officers or of functionaries of mixed elements; whether the reason be aphasia or other disability in a president, tyrannous behavior and ignorance of the

[1] H. R. 2271, 1st Sess., 75th Cong. A Bill to Provide for Trials of and Judgments upon the Issue of Good Behavior in the case of certain Federal Judges.

law on the part of a judge, or abuse of discretion or trust on the part of a secretary for important affairs.

The designing of a plan to achieve such an end is difficult enough in itself, without the interjection of questions of constitutionality. But such questions cannot be kept out if the attempt is made to cover the whole ground. To ignore them would invite litigation, and perhaps a judgment of invalidity. If they are permitted to have their weight, they will be reflected in compromises, expedients of inferior merit, and omissions which would not be justified if the power to do better were undoubted. Let any one try, as the writer has tried with little satisfaction, to devise and draft a plan to furnish the remedies needed, and at the same time to avoid the perils of overstepping the limits of powers now existing.

This leads to the point of thinking of a provision to go into the Constitution which should be adequate to the need; and the next question is whether that provision should be transcribed from the statute one would write if statute were sufficient. Prudence and a respect for the fabric of the early Constitution forbid it. No more should be written into the fundamental law than is needed to enable the Congress to proceed effectively, and to restrain the action authorized within the bounds of the need; details which might prove wrong and ineradicable should not be imbedded in the Constitution. Consider, then, what cannot be omitted.

It is first of all necessary to determine what officers should be made subject to judicial inquiry as to their behavior, capacity, or fitness for service. Certainly the President should be among them, lest disability deprive the country of an executive in a critical juncture, and we be in the present state of inability to deal with the situation. Certainly the judges of all the courts ordained and established by the Constitution and by the Congress should be included. Certainly also those commissioners with strangely compounded powers partaking of legislative, judicial, and administrative elements, whose unsettled status as to accountability puzzles even those who most confidently undertake to define it. Probably cabinet members should be included, although there is little present doubt of presidential power to remove them; for history is not innocent of cases in which a judicial inquiry might have cleansed a department in wholesome and clean-cut manner. There one may believe the list should stop, leaving all other officials to be dealt with by the appointing authorities under their executive or administrative powers and responsibility.

Next it is necessary to erect a court, or to provide for its establishment. It is suggested that the actual establishment be confided to the Congress, but that its members be designated by the Chief Justice from among judges regularly serving in or voluntarily retired from the ordinary courts. Congress could be left to determine the manner of instituting actions.

If one is willing to expand the language any farther, he might write in

a disclaimer specifically preserving the power of impeachment and of executive removal or discipline from the color of implied revocation or impairment, and might give the court a jurisdiction to review and declare facts, but not to revoke actions, in cases of arbitrary dismissals by the President of cabinet members and commissioners. That is the limit, beyond which language should not be inserted into the Constitution. Upon such views the sketch for an amendment in the annex below has been drawn.

With hands freed by such an amendment, the Congress could set about providing for cases of actual senility, and of other disqualifying conditions, wherever they might occur, and without the forced presumption that incompetence is a pall descending invariably upon all at a particular birthday, with the suddenness of a tropical nightfall. The first decision would come on the question of how, and out of what courts, the Court of Qualifications should be staffed. It is submitted that it would be well to draw upon all levels of the system; let three be justices of the Supreme Court, six judges of the circuit courts of appeals, and six district judges—each of these serving during a six-year tour, periods of service being scheduled so as to renew each group by thirds or sixths at regular intervals—and add to these as many retired judges serving on two-year designations as the Chief Justice should assign.

Such a court is too numerous to sit as a single body in ordinary cases. It should therefore each year select from its members five to serve for the time as an active panel, the rest being in reserve as a supply panel, which would be drawn upon to make up the trial panel in case of absence or disqualification of a member thereof, or in case a second trial panel should be needed at the same time. Furthermore, the supply panel should be charged with the power to grant or deny leave to persons desiring to prosecute actions to unseat an officer, allowing it as a matter of right only to the Attorney-General and to committees under direction of the House of Representatives.

The Court of Qualifications should have no jurisdiction to inflict any punishment as for a criminal offense, nor should any of its decrees be pleadable in bar of criminal action in ordinary course. Its orders and judgments should be confined to the question of discontinuing the services in office of those whose qualifications are challenged. When the finding is that the officer has been derelict in duty, wanting in good behavior, or guilty of other misconduct, the order should be one of removal. When the President is found to be incapable of discharging the duties and powers of his office, the order should be to suspend him therefrom until his disability is removed or another president is elected—his removal for disability being precluded by the contemplation of the Constitution that under certain circumstances he should resume his duties and powers if he recovers before another president is elected. In all other

cases in which the finding is similar, the judgment might well be one retiring the incapacitated officer, with retirement compensation for life in the case of a judge, for the remainder of his appointed term in the case of a commissioner, and for a period determined by the Court in the case of a cabinet man.

It would, of course, be possible to substitute other particulars for those just suggested, and it would not greatly matter if all were changed and refined further. What does matter is that the United States should find some orderly and reasonable way to determine, by reference to relevant facts and circumstances rather than by the calendar or the overwrought zeal of partisanship, questions as to the competence and behavior of the incumbents of great offices of justice and administration.

ANNEX: SKETCH DRAFT FOR AMENDING THE CONSTITUTION

Article—.The President and Vice-President of the United States, the principal officer in each of the executive departments, judges of the courts of the United States, and civil officers exercising quasi-legislative or quasi-judicial authority, may be removed or retired or suspended from office in pursuance of findings by a Court of Qualifications (which shall be composed of judges of other courts of the United States, either in active or voluntarily retired service, designated by the Chief Justice under regulations prescribed by law) that the person sought to be removed or retired has been derelict in official duty, or has not behaved himself well in office, or has misconducted himself therein, or is incapable of discharging the duties and powers of his office. The Congress shall by law determine the manner of initiating proceedings in the Court of Qualifications, and the findings of that Court shall not be subject to review or appeal in any other court or place. Nothing in this article shall be construed to derogate from the power of impeachment, or from any power possessed by an appointing authority to dismiss, remove, or discipline officers and employees under the direction of such authority; but the Congress may by law vest in the Court of Qualifications, under regulations to be prescribed by that Court, an appellate jurisdiction to review and determine and declare the correctness or incorrectness of charges of dereliction of duty, of misconduct in office, or of incapacity, alleged as the ground of the removal, dismissal, or discipline of any officer against whom proceedings might have been had in that Court; but such determination or declaration shall have no effect to overrule or revoke such removal, dismissal, or discipline.

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Approval of Bills after Adjournment of Congress. The constitutional clause governing the approval of bills after the adjournment of Congress is as follows: "If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law." The power of the President to sign after adjournment was not specifically established until 1932, in the case of Edwards v. United States (286 U. S. 482), and the failure of a bill unless signed within ten

days after adjournment was not finally passed upon until 1929, in the Pocket Veto Case (279 U. S. 655).

In view of the constitutional provisions and the foregoing decisions, students of the laws have been somewhat mystified by the approval of H.R. 8875, an act to clarify section 104 of the Revised Statutes (Public No. 849, 74th Cong., 49 Stat. L., 2041), on July 13, 1936, after an interval of 23 days from the adjournment of the second session of the 74th Congress.

Neither the slip law nor the Session Laws gives any explanation, but the engrossed copy of the bill on file in the State Department contains the following notation in the President's handwriting: "Received by me from the Congress July 11, 1936." Since the President did not receive the bill until July 11, it was undoubtedly legally approved on July 13, as the Constitution gives him ten days after the bill "shall have been *presented* to him." The date of passage does not govern, as Congress, acting through its officers and employees, cannot through design or negligence shorten the period in which the President may consider a bill. In view of the fact that heretofore all laws have been approved within the ten-day period, the question arises as to the reasons for the delay in the instance mentioned. In point of fact, it resulted from a Senate clerk making an error, which was apparently corrected by an unauthorized change in a basic constitutional record—the *Journal* of the House of Representatives.

H.R. 8875 passed the House on July 24, 1935, during the first session of the 74th Congress. On June 1, 1936, the bill passed the Senate, but reconsideration was moved and carried. On June 6, the bill was again discussed and several amendments were offered, but no action was taken. On June 18, the bill was agreed to in the form adopted by the House of Representatives without amendment. The clerk, evidently having in mind the amendments previously discussed, indicated on the bill that it had passed with amendments, and the enrolling clerk included it in a message to the House stating that the Senate had passed certain bills (including H.R. 8875) with amendments, in which the concurrence of the House was requested. This message went to the House on June 19 (*Congressional Record*, p. 10215). The House *Journal* is said to have contained the same entry, and no doubt did so, as all the other contemporary records present the same facts.

The House Calendar for June 20 under H.R. 8875 contains the following notation: "Passed Senate, amended, June 18, 1936." The same notation appears in the House Calendar for June 22, and in the final edition of the Calendar published about July 1. In the list of "Bills and Resolutions which have become Laws" in the final edition of the House Calendar, no mention of the bill is made.

Congress adjourned on June 20, with the bill on the Speaker's table. The record showed that the bill had been amended by the Senate, and

that the House had not concurred in the amendments; therefore, on the face of the record, the bill was dead.

After adjournment, the error was discovered and steps were taken to remedy it. According to a reliable source, this was accomplished through alteration of the House *Journal*, although it has been impossible to prove this, inasmuch as access to the manuscript *Journal* was refused. However, such an examination might not be conclusive, since if a few pages of the manuscript *Journal* were copied the alteration would not be apparent. However, the contemporary records cited above all point conclusively to alteration of the *Journal*.

The entries relating to the bill in the *Congressional Record* were also altered. The entry regarding H.R. 8875 in the list of amended bills on page 10215 of the daily *Record* was deleted from the bound *Record;* a new entry for H.R. 8875 was added to the message from the Senate stating that certain House bills have been passed without amendment (bound *Record*, p. 10175).

As the *Journal* now showed passage, the bill was enrolled. It is reported that it was sent by airplane messenger to the presiding officers, and was signed by the Speaker at Jasper, Alabama, on July 9, and by the Vice-President at Uvalde, Texas, on July 10. This was probably the first time that a bill had been signed by the presiding officers when not in Washington and so long after adjournment. On the face of the altered *Journal*, this procedure was regular enough, as House Concurrent Resolution 54 gave the presiding officers power to sign after adjournment. The place of signing was immaterial.

It is well known that the daily and the bound *Congressional Record* often do not agree in regard to words spoken in debate, as members are permitted to revise their remarks. On matters of procedure and action, the *Record* is often corrected, but always after motion and by the order or with the consent of the House. The *Journal* could also be corrected in the same manner. There is no previous known instance of the *Journal* being altered without the consent of the House.

It is true that the Supreme Court has held that there is no recourse to the journals if a bill is signed by the presiding officers of both houses (Field v. Clark, 143 U.S. 672). It is true also that H.R. 8875 passed both houses in the same form. Nevertheless, it seems that signature by the presiding officers should be predicated upon the original entry in the *Journals* and not upon an unauthorized alteration. If the *Journal*, which the Constitution requires to be kept, can be altered without action by the House in a case like this, it could be altered in the case of a bill which contained amendments not acceptable to those having access to the *Journal*.

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Policy Formulation and the Administrative Process. It is no mere coincidence that greater reliance on government for social stewardship in a decade of economic stress has been accompanied by a reconsideration of public personnel problems. Foremost in the new orientation of thought is a deeper appreciation of administrative leadership within the civil service. As a result, considerable emphasis is being placed upon the demand for "upward extension" of the merit principle.[1] In reality, the term "extension" appears to be a misnomer. If the leading staff positions in the administrative hierarchy are to be filled on a basis of competency and permanency, far-reaching questions of recruitment, promotion, and general grouping present themselves which can be answered only in relation to a revised conception of the entire service. Inclusion of the higher personnel in the civil service system is bound to be the opening wedge for the career idea.

The organizational and functional importance of a professionally homogeneous body of directive officers in the ranking administrative posts cannot be overestimated. It is significant that for most purposes they are being identified with the operative establishments of government in England as well as Germany, in France as well as Sweden. They are *in corpore* the connecting link between the agencies of political control and the servicing machinery of the state. Theirs is a dual rôle in this respect. They give continuity to the execution of legislative policy by translating the broad language of statutory enactments into those series of accountable processes which in their combined effects make for intelligent enforcement. At the same time, their hold on the administrative organization and their expert knowledge mark them out for a prominent part in the shaping of government programs as well as individual bills. Two types of relationships are involved: within the hierarchy, the principal categories are guidance, stimulation, and supervision; toward the politically answerable department head, sensitive responsiveness, incorruptibility of judgment (a good adviser aims at implementing, not at duplicating, his superior's mind), and unswerving respect of political decision.

Naturally, the essentially coöperative character of staff work in the realm of policy formulation has become the object of fruitful reflection.[2]

[1] Commission of Inquiry on Public Service Personnel, *Better Government Personnel* (New York, 1935); President's Committee on Administrative Management, *Report, with Special Studies* (Washington, 1937); L. D. White, *Government Career Service* (Chicago, 1935); E. P. Herring, *Public Administration and the Public Interest* (New York, 1936).

[2] The relevance of local government material is sometimes overlooked; see C. E. Ridley and O. F. Nolting, *The City Manager Profession* (Chicago, 1934); D. W. Hoan, *City Government* (New York, 1936); L. Hill, *The Local Government Officer* (London, 1938).

Even those justly indifferent toward the outcries of extremists[3] are ready to concede that unconditional tenure in the administrative top ranks may jeopardize, under certain conditions, the desirable freedom of creative political option. Should perhaps the politically responsible representative of the party in power retain the right to fill a number of departmental key positions with men of his personal confidence, regardless of their background? Would a fully stabilized personnel structure at the apex of the administrative pyramid tend to freeze up the channels of political deliberation, or at least make adaptation to a changed course of policy unreasonably problematical? No attempt will be made in the following paragraphs toward finding a satisfactory reply to these questions.[4] We shall concern ourselves here only with one specific aspect: the advisability of seeking a solution in designating certain groups of positions as "policy-determining" with the thought of placing them under separate rules making the status of the incumbents markedly different from that of civil servants in general.

In the first place, segregation on such a basis fails to do justice to the fact that in practice the administrative contribution to policy formulation is inextricably interwoven with the discharge of executive and managerial functions. Historically, the former was the incidental product of the latter. The mercantilistic preoccupation of Brandenburg-Prussia's public service was in a large measure the result of afterthoughts arising from the experience of an effectively coördinated revenue administration. If career administrators came to urge the establishment of municipally-owned credit institutions, they were not motivated by abstract formulæ, but by the insight into the evils of usury which only familiarity with the daily routine of the police power could give.[5] Even the formal division of labor among the administrative and the executive classes in Great Britain—never attempted on the European continent—has not led to a clear-cut distinction between planners and managers. Certainly those members of the administrative class whose influence on cabinet policy is least disputable have substantiated their claim to attention as officers accountable for the conduct of government operations.[6] In fact, no department head, though an outsider placed in command as the agent of the dominant party organization, can safely remain aloof from the technical

[3] Such as Lord Hewart of Bury, *The New Despotism* (London, 1929).

[4] Recent British cases in point: the promotion of Sir Robert Vansittart from permanent under-secretary of the Foreign Office to the especially created post of chief diplomatic adviser to the Foreign Secretary; the transfer of Sir Maurice Hankey from permanent secretary to the cabinet to a directorship on the Suez Canal Company Board.

[5] Cf. K. F. Wiesiger, *Beantwortung der Fragen: Was ist Wucher? Ist es gut ihn zu hemmen? Und wodurch kann er gehemmt werden?* (Berlin, 1790).

[6] For supporting data, see H. Finer, *The British Civil Service* (2d ed., London, 1937); H. M. Stout, *Public Service in Great Britain* (Chapel Hill, 1938).

problems of internal accomodation. Should he get entangled in the bewildering arrangement of administrative switches, criticism might not be particularly severe. But if the same should happen to any of the staff officials in charge of one or the other branch of departmental activity, the entire machinery could well come to a stop.

A properly constituted higher administrative service will not concern itself primarily with alternatives of policy in general. Although it may help to clarify such alternatives, it will more often be called upon to outline the organizational implications of political choice on the administrative level. The detailed information required for this task can be secured only as the organic outgrowth of wide directive experience. Agreement on socially desirable objectives alone does not suffice when it comes to meeting "problems of coördinating special services, forecasting growth, development of a particular area, problems of relating highly skilled and trained personnel in different fields into some common program, problems of control."[7] To recognize certain grades in the administrative *cadres* as "policy-determining," and thereby set them apart from otherwise universal standards of selection, would in all probability acutely limit the very function suggested in the designation. The differentiation between permanent and parliamentary under-secretaries in Great Britain is a useful illustration.

But it seems to me that a plea for qualified exemptions of "policy-determining" officers in the departmental service rests also on an assailable conception of the way in which constructive thought on matters of policy crystallizes within the administrative organization. It would be surprising—or indicative of underdeveloped career standards—if full grasp of means and ends were confined to the relatively small nucleus of officers whose counsel is personally available to the department head. Devolution of authority throughout the entire structure presupposes a widely diffused cognizance of legislative and administrative purpose. To promote this cognizance is unquestionably a major function of hierarchical leadership. Tradition, *esprit de corps*, the unwritten laws of personal conduct—all have a direct bearing upon the civil servant's consciousness of the broader objectives of government planning. Perhaps the most significant opportunity within the reach of professional affiliation lies here. Totalitarian régimes make every effort to inculcate in the service rank and file the "unalterable aims" of ideological dedication; the German civil service statute of 1937 will probably remain the outstanding example.[8] Cognizance of legislative and administrative purpose among

[7] J. M. Gaus, *Minutes of Evidence*, Commission of Inquiry on Public Service Personnel (New York, 1935), p. 304.

[8] Cf. F. Morstein Marx, "Germany's New Civil Service Act," in this REVIEW, Vol. 31, pp. 878 ff. (1937); J. K. Pollock and A. V. Boerner, *The German Civil Service Act* (Chicago, 1938).

the subordinate grades not only transforms itself into recipiency toward direction; it also expresses itself in critical observation and creative recommendation. No better test exists for measuring organizational effectiveness than a check-up on the lines of communication available for transmitting such manifestations of alertness in the lower ranks to the centers of command.

Theoretical speculation alone would fail to demarcate the scope of these potentialities. A close-up picture of a concrete setting will throw some light upon the interplay of forces exerting themselves in making up the "department's mind." The following sketch will recapture to some extent the practice of a department in which I spent several years in the course of my administrative career.

The department was not suffering from self-complacency. The load placed upon it was out of proportion to its man-power. Most of its divisions had been over-worked for a considerable time; particularly its field service was nearly worn out. What kept the pulse of the organization fairly regular was not the rational allocation of responsibilities among the functional units of a sizeable establishment. It was not the easy accessibility of its chief administrative officers. It was not the constant self-appraisal made possible by carefully compiled working statistics giving account of the actual operations in each unit on a semi-monthly basis. Nor was it the understanding and anticipation of field service needs at headquarters, or the reliance placed upon methodical approach to administrative problems.[9] Among the many factors making for departmental cohesion and solidarity, none was singly more important than the so-called enlarged staff meeting.

The enlarged staff meeting, held once or twice a month and sometimes oftener, brought together under the chairmanship of the permanent under-secretary (rarely of the minister himself) some 30 to 40 officials. There were the division chiefs and their immediate assistants; the officers in charge of overhead functions such as coördination, personnel, budgeting, accounting, equipment and supplies, general management, library, research and statistics; and the field office chiefs. Should a regular member of the enlarged staff meeting be unavoidably detained, a personal substitute would have to be present. The broad composition of the meeting insured the representation of different levels of departmental activity. The centrally located personnel was on the whole prone to stress the over-all point of view; the outlook of the field office chiefs focused more closely on the detail of line operations. Although a majority of the entire membership had seen more than ten years of service in the department,

[9] Illuminating in this respect are L. Gulick and L. Urwick, *Papers on the Science of Administration* (New York, 1937); J. M. Gaus, M. E. Dimock, and L. D. White, *The Frontiers of Public Administration* (Chicago, 1936).

several officials were only in their thirties, while others were approaching retirement age. Mellowed judgment was blended with youthful enthusiasm. About five of those present were women—without exception outstanding personalities. Less obvious were the cleavages in general political leaning. But in this intimate circle sympathetic feelings toward one or the other party program could not long be a secret. The ministerial head of the department was a Social Democrat who had risen in the trade-union movement; his party had the general support of probably more than one-third of the enlarged staff meeting membership. But acknowledged conservatives were not lacking. Only the Communist party and its rightist counterpart on the other extreme remained without identifiable sponsors, though reference to both played a rôle in the discussions. Equally differentiated was the class background of the personnel;[10] even among the division chiefs there were sons of labor.

For each enlarged staff meeting a tentative agenda was worked out in advance with the sanction of the permanent under-secretary. As matters of general importance came to the attention of unit heads, informal notice was served upon the recording officer for the meeting at headquarters, who arranged the docket in a final conference with the permanent under-secretary. But this practice was not intended to preclude any member from bringing up other topics requiring consideration or an urgent decision. At the meeting, the docket was cleared in accordance with the functional line-up of the department. After a brief analysis of recent administrative developments and the state of departmental business by the permanent under-secretary, each officer, starting with the division chiefs, would be called upon to present the items concerning his unit. In an organization pressed for time, the temptation is ever present to reel off the order of the day with greater speed than is compatible with thorough consideration. Such pressure there was here, too. Nevertheless, the representatives of headquarters were conscious of the need for extensive debate of the issues raised; the field service chiefs were made to feel that a premium was being placed upon a real meeting of minds, critical comment, and incisive perusal of orders and regulations, whether in the draft stage or in the process of application. Two-edged rules would not go unnoticed for long. If departmental instructions failed to meet conditions in the field, the come-back would be instantaneous. A field service chief worth his metal would be able to bring formidable inquisitorial techniques to bear even upon the permanent under-secretary. In such face-to-face encounters, a weak division head would have to

[10] The demand for a higher administrative service in the United States can be met effectively only by providing for a recruitment basis broad enough to make this service quasi-representative in terms of the social stratification. The implications for the educational system are obvious.

take his lesson.[11] At the same time, if headquarters had a reason to register "surprise" at administrative sins committed in the field, the enlarged staff meeting would supply a sounding-board of fearful dimensions.

A body of this size is apt to reflect sharply distinguished temperaments, latent antipathies, even feuds of long standing. Men none too far from nervous exhaustion will explode at times. Disagreement could occasionally become unnecessarily deep, argument more heated than rational. But the group was sufficiently large to make a personal clash appear inappropriate and to respond to the humor of things. Collectively, these men and women were the department; somehow the machinery had to be kept going. The mutual character of their search for administrative solutions in itself strengthened the team spirit among them. The participation of field service personnel provided not merely an opportunity for conveying the broader motivation of departmental action to the line agencies; what was more, it made the motivation common. The mimeographed records of the enlarged staff meetings (averaging some 15 to 20 pages) were widely distributed among the units of the department, setting forth the trend of current departmental and interdepartmental activities as mirrored in the discussion, specific decisions reached at the meeting, and authoritative interpretations of administrative orders and regulations given in response to individual inquiries. The intimacy of contact which it facilitated between different administrative levels made the enlarged staff meeting a foremost self-educative device. It promoted administrative self-reliance and independence of judgment in the subordinate ranks[12] and broadened the consultative techniques within the hierarchy. It reënforced the derivative processes on which policy formulation depends in no small degree.

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An Investigation of the Executive Agencies of the United States Government. The preliminary report of the select committee of the United States Senate appointed to investigate the executive agencies of the government with a view to coördination, under authority of Senate Resolution 217, 74th Congress, passed February 24, 1936, was presented to the Senate by Senator Harry F. Byrd, chairman, on August 16, 1937.[1] Except for a brief introduction by Senator Byrd, in which he states that

[11] "A weak chairman of a village soviet tries to do everything through administrative orders; and the weaker he is, the more frequently does he resort to this method." M. I. Kalinin, in *Moscow Daily News*, Sept. 22, 1933.

[12] For a relevant factual comment, cf. J. D. Millett, *The Works Progress Administration in New York City* (Chicago, 1938), pp. 70–71.

[1] Sen. Rep. 1275, 75th Cong., 1st Sess., 1937, pp. xxxi, 1229.

his committee has reached no final conclusions and that it expects to continue its investigations, the document is given over entirely to the report prepared for the committee by the Brookings Institution. Dr. Moulton, president of the Institution, explains in a letter of transmittal the contractual arrangements under which the report was prepared and lists the staff members, regular and special, who participated in its preparation. Dr. Fred W. Powell, acting director of the Institute for Government Research, was in charge of the project.

The report begins with a discussion of the general problems involved in national administrative reorganization. The historical and constitutional aspects of the subject are reviewed briefly, theories with respect to various phases of administrative organization are examined, and the factors necessarily conditioning any reorganization program are noted—all leading to the conclusion that the problem of reorganization is one of extraordinary complexity and that neither practical experience nor theoretical reasoning has yet produced an ideal form of administrative organization.

Chapter II presents in summary form a picture of the expansion of governmental activities in recent years, as evidenced by the rate of growth of public expenditures and indebtedness, and by the increase of personnel and office-space requirements. Each of the remaining 13 chapters is devoted to a group of related governmental activities, line or staff. Most of the chapters consist of two parts, the first giving a factual description of the existing organization and allocation of functions in the particular field under review and the second presenting the recommendations of the Brookings Institution with reference to reorganization and transfer. Liberal use is made of organization charts, statistical tables, and financial statements. Reference to the report is facilitated by a detailed table of contents of 14 pages and a copious index of 142 pages.

Space permits mention of only a few of the many observations and recommendations contained in the report. Attention is drawn first to staff activities. In order to make the Bureau of the Budget a more effective aid to the President in the execution as well as in the formulation of budgetary programs, it is proposed to give this bureau independent status under the President; to expand and reorganize it by adding to the work of the present Division of Estimates the important function of recording apportionments and encumbrances (a function now performed by the Division of Bookkeeping and Warrants of the Treasury Department—the name of this division to be changed accordingly to the Division of Budgetary Accounting); to direct the existing Division of Research and Investigation to devote its entire time to studies of current costs and administrative methods through continuous investigation; to create a new Division of Coördination to continue the existing coördinating ac-

tivities of the bureau, to take over the functions of other coördinating agencies such as the National Emergency Council, and to include the research staff of the National Resources Committee or any other permanent planning agency; and to foster coöperative relationships between the bureau and other agencies primarily concerned with the interests of efficiency and economy, such as the revenue and appropriation committees of Congress, the proposed Office of Audit and Settlement, and the classification division of the Civil Service Commission. With respect to the expenditure of public funds, it is recommended that in order to relieve disbursing officers of responsibility for the legality of payments and to place this responsibility directly upon the administrative officers who obligate appropriations, provision be made for bonding the latter. To eliminate confusion and misunderstanding with reference to the functions of accounting and control, it is suggested that the name of the General Accounting Office be changed to Office of Audit and Settlement, the head of this agency to be designated Auditor-General instead of Comptroller-General; and that it be definitely understood that this office is the agent of Congress in the exercise of its power of financial control through the audit and settlement of accounts. It is suggested further that this office be required by law to prepare for the Congress at least once each year statements and reports on the financial condition and operations of the government. To represent the interests of the Budget Bureau, the Treasury, and the Office of Audit and Settlement in the matter of administrative accounting records, an inter-agency committee is proposed.

The report would add to the work of the Budget Bureau certain responsibilities in the field of public supply and property, such as the general control over supplies now exercised by the Procurement Division of the Treasury Department—actual operation of the supply system to be in charge of a General Supply Service coördinate with the Budget Bureau and immediately subordinate to the President; the responsibility for land project clearance work and the disposal of excess real estate; and the allocation of space and quarters in government buildings.

No major changes are recommended in the organization for the administration of personnel, although brief reference is made to a memorandum prepared and submitted to the President in 1928 by the Institute for Government Research relative to the possibilities of coördinating in a bureau of general administration certain agencies concerned with the exercise of central control and the study of administration, such as the Budget Bureau and the Civil Service Commission. The report does recommend, however, extension of the merit system, statutory recognition of the Personnel Council with provision for a small research staff, and

the establishment of personnel offices in the departments, major bureaus, and independent agencies.

Some very interesting information is presented in the chapter dealing with library, information, and statistical services, relative to current expenditures for publicity work and the volume of news releases. The conclusion is reached that the most feasible method of keeping government informational agencies within reasonable limits is through budgetary and administrative, rather than through statutory, control.

In the matter of law enforcement, special attention is paid to the several investigatory agencies of the national government. Some suggestions are made with reference to the transfer of activities in this field to the Bureau of Investigation in the Department of Justice and to furthering coöperation between this bureau and other agencies, but the concentration of all law enforcement work in this bureau is not recommended.

Turning now to the line departments and activities, we may note first the recommendations in the field of credit and banking. Among other things, the abolition of the office of Comptroller of the Currency is proposed. The responsibilities of this office with respect to the chartering and examination of banks would be vested in the Federal Deposit Insurance Corporation, while those with reference to the issuance and retirement of currency would go to the Public Debt Service of the Treasury Department. In short, the report would vest in the FDIC most of the administrative work involved in governmental control and supervision of commercial banks, leaving to the Board of Governors of the Federal Reserve System responsibility for control of the reserve banks and for formulation of credit policies. With respect to the credit-granting agencies, perhaps the most important proposal is that the assets and liabilities of the Reconstruction Finance Corporation be transferred to the Treasury Department, and that if the lending activities of the former are to be continued, it should act as the fiscal agent of the Treasury. The amalgamation of the Federal Housing Administration and the Federal Home Loan Bank Board is advocated.

Of particular interest with reference to activities in the field of public works and water resources is the conclusion that the establishment of a separate public works agency or department to undertake all engineering and construction work is not advisable. The report suggests that there are two separate and distinct functions involved in the administration of public works, namely, the planning of construction needs and the purely technical job of performing or supervising actual construction. The former is held to be a task for a planning organization and the latter for the appropriate operating agencies. Sufficient coördination in meeting routine construction needs may be secured through the Budget Bureau.

The formulation of long-term construction programs, to serve as a method of economic stabilization, should be the work of a central planning agency such as the National Resources Committee.

Most of the recommendations in the field of mineral resources and power are designed to concentrate virtually all power activities of the national government under the supervision of a single agency, either the present Federal Power Commission or a new Federal Power Administration. The authority of this agency should include the approval of proposals for the development of government-owned power projects and supervision over the production and rates of such projects. A joint board is suggested to pass upon matters in the power field which fall within the jurisdiction of both the Power Commission and the Securities and Exchange Commission.

After exploring the numerous problems involved in organizing administration in the overlapping fields of the public domain and agriculture, the report offers several major alternatives: (1) the concentration of all public land agencies in the Interior Department; (2) the placing of all such agencies in the Department of Agriculture; and (3) the consolidation of these two departments in a Department of Land Use. It is felt that no conclusive case can be made for any one of these alternatives. Assuming the retention of the existing departments, a number of specific changes are proposed to facilitate the necessary interdepartmental and interbureau coöperation. Likewise, in the closely related field of the conservation of wild-life and aquatic resources, the report rejects as impractical the consolidation of all such activities in one department, but suggests certain inter- and intra-departmental transfers, such as placing the Bureau of Fisheries in the same department as the Bureau of Biological Survey.

Two basic adjustments are held to be necessary if the promotional activities of the national government in the important field of transportation are to be brought into conformity with the operating facts of modern transportation systems, and if they are to be conducted in harmony with adopted regulatory policies. First, an articulated national policy relative to promotional activities must be substituted for the present collection of divergent policies. Second, administrative machinery adapted to the application of this policy should be created, and certain adjustments should be made in the distribution of regulatory functions. To achieve the latter, the report specifically recommends the consolidation in a single agency, either a new Department of Transportation or a Division of Transportation in the Department of Commerce, of all promotional work, including direct operation, which is carried on primarily in the interest of transportation development, and the concentra-

tion of regulatory activities in this field in the Interstate Commerce Commission.

Among a considerable number of suggestions for changes in the organization and allocation of functions for the promotion of commerce and industry, perhaps the most significant is the one which proposes the abrogation of the coördination agreement of July, 1933, between the Departments of State and Commerce relative to the promotion of foreign trade whereby the foreign commerce service of the latter was subordinated to the former, and a return to the agreement of May, 1932, the intent of which was to keep the promotional activities of the Bureau of Foreign and Domestic Commerce separate and distinct from the activities of the Department of State and to insure coöperation between these two agencies without subordinating one to the other. Recommended transfers include the regulation of commodity futures to the Federal Trade Commission and the Weather Bureau to the Department of Commerce or to a new Department of Transportation.

One of the most significant chapters in the report concerns all government activities in the regulation of private business. This chapter necessarily deals with agencies and activities treated in other chapters, but the effort here is to center attention upon problems common to the whole regulatory field and involving not only administrative but legislative and judicial functions. A distinction is drawn between the regulatory activities of the departments and their subdivisions and of the independent boards and commissions. Special attention is paid to the problems which concern the latter group of agencies, namely, their exercise of powers of sub-legislation, the combination of powers in such authorities, and their relationship to general overhead administrative management. Proposals for centralizing the sub-legislative function in the President and for integrating the independent commissions with the departments are examined but rejected. A system of administrative courts is offered as a more satisfactory method of meeting both the need for a more effective enforcement of regulatory laws and for more adequate safeguards for the rights of the citizen.

Finally, in a chapter devoted to activities in the field of public welfare, the report suggests, though it does not strongly advocate, the creation of a Department of Welfare to include existing governmental activities in the closely related fields of labor, education, public health, and relief. A board form of organization for such a department is deemed worthy of serious consideration. Should such a department be established, the possibility of giving labor specific representation in the President's cabinet through a minister or secretary without portfolio is mentioned. An inter-departmental committee to coördinate recreational activities is

advised rather than the concentration of all activities in this field in a single organization.

The entire report is characterized by that attentiveness to factual detail, historical perspective, and deference to experience which students and administrators have come to expect in the work of the Institute for Government Research of the Brookings Institution. The information which it contains not only is essential to the formulation and execution of a workable program of reorganization, but will be of great value to students of administration here and abroad.

In conclusion, the writer cannot refrain from expressing the regret which is shared by many that the divergent views of the President's Committee on Administrative Management and the Brookings Institution on certain matters should have been permitted to figure so prominently in congressional committee hearings and debates and in the press, thus obscuring the many points upon which both groups were in substantial agreement and the fact that the two reports were complementary rather than conflicting. Perhaps it is not yet too late for the spokesmen of both groups and for others to assist the President and the Congress in achieving a substantial measure of reorganization by emphasizing points of agreement rather than difference, and by frankly admitting that the situation calls for both an experimental and an experential approach.

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Case Studies in Public Administration. A special committee on research materials has been set up by the Committee on Public Administration of the Social Science Research Council. As the title indicates, this Committee is sponsoring a program for the "collection of data limited in time and place, including the statement of relevant facts involved in an administrative problem, the decision taken with reference thereto, and results arising therefrom." This program is worthy of the backing and coöperation of all political scientists interested in the field of public administration, and having faith in the possibility of developing a science of public administration.

It has often been charged by those dealing with the natural sciences that the social scientists are presumptuous in applying to their fields of knowledge the term "science." The former maintain that the latter have failed to establish such dependable and predictable sequences in their phenomena as are requisite for a science. It is probably true that inadequate attention has been given by political scientists to the discovery and formulation of such sequences. This is perhaps due to the pressing character of problems with which those engaged in political science, and particularly with public administration, have to do. As a

consequence, they have been accustomed to make certain assumptions that appear to be logical and that in a rough and ready sort of way seem to yield the results that are anticipated. One might refer, for example, to the acceptance of the advantages of integration of authority within an organization. Again, reference might be made to the commonly accepted principle that a single administrator is superior to a board for administrative purposes.

Possibly more critical examination of circumstances surrounding variant situations in which boards and single administrators operate will develop criteria for determining the conditions under which one or the other give most satisfactory service. This type of conclusion would permit generalization in terms of observed operating conditions rather than application of rule of thumb premises to all situations indiscriminately.

The above, as well as a number of other basic assumptions, have not been systematically canvassed under a sufficient variety of circumstances to establish the validity of the underlying hypotheses.

In the recently circulated announcement of the Committee's purpose, it is well pointed out that although many aspects of the process in public administration lend themselves to statistical treatment, there are many others for which the well established methods of case study are dictated. At the present writing, the Committee is interested primarily in bringing together a series of case studies which will serve to illustrate the techniques involved in making such studies. This is apparently but the initial step. In line with it, the Committee has analyzed what are considered basic features and, according to the announcement, it intends in the near future to submit examples which would serve as a further aid to those interested in coöperating.

The subsequent step which will, if successful, ultimately lead to generalizations, to the discovery of order in social situations, would be the establishment of premises and hypotheses, and the determination of definitions and work methods, including the application of more and more objective procedures in the analysis and treatment of data. Within such a frame-work, case studies may be made that may well lead to significant conclusions.

The scientist is ever lured on by faith that there is order in the world of phenomena of whatever character. The social scientist finds himself hampered, particularly because of the difficulty of setting up controlled experiments in which all adventitious and extraneous factors are eliminated. This does not mean, however, that his world fails to offer a broad range of experiments, because we find ourselves today, perhaps as never before, in an era when governmental units are trying out a wide variety of administrative organizations and processes and procedures. The second complicating factor is the fact that the social scientist has everlastingly

to do with human beings, who do not readily lend themselves to objective measurements. It is at this point that the aid of the psychologists must be invoked, who, as is well known, are making steady progress in establishing norms for human behavior. Whatever the difficulties may be, the political scientist must retain his faith in the possibility of surmounting them and must devise ways and means of accomplishing this end. Otherwise, he denies his birthright.

The Subcommittee on Research in Administration is supplying impetus to which considerable weight ought to be attached. It is an impetus toward organized research. There is no doubt but that political scientists specializing in administration have in recent years made important strides in the matter of observing administrative processes and phenomena at first hand. They are "capturing and recording" a wide variety of such processes and phenomena, but unfortunately without the amount of team-work necessary for consistent pooling and classification of their data—necessary, that is, if generalizations are to flow from their activities. An initial step in this direction is at present proposed by the Committee, namely, the development of techniques of making case studies, the working out of a pattern or patterns of work methods. The subsequent and more important step lies in the future. This is the development of specific criteria, the establishment of premises and hypotheses, the adopting of an accepted methodology, and coöperative efforts on a wide front toward bringing together typical cases that may be related to the agreed upon objectives and may be pooled and classified by those who are interested in discovering sequences and order in administrative phenomena.

Note that the growth of the common law has depended upon the descriptive treatment of successions of operating case situations from which generalized patterns of value have resulted. The use of the recurrent case situation as a method of illuminating the administrative process is an immediate objective. This will have a significant value for teaching purposes. But there is a more general objective of developing patterns of approved practices in dealing with repetitive type situations to which the term principle can be descriptively applied. It is toward this end that the Committee will presumably direct its long range program.

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The Manager Plan and the Metropolitan Community.[1] The labels that happen to become attached to things are of little consequence; the substance is what counts. Good government does not consist in getting any certain caption placed upon a municipal organization; it consists in the introduction into its daily functioning of practices and processes that guarantee responsiveness to public needs. Four main types of governmental structure have figured in the history of American cities: strong council, strong mayor, commission, and council-manager. Each of these has several features peculiar to itself, yet there are a number of principles and provisions, which, if not common to all four types, are at least not incompatible with any of them and are capable, as experience has shown, of being adopted or employed in connection with all. It is the aim of this study to weigh the probabilities of introducing model techniques and avoiding defective practices under the style of organization Chicago now has (it is so much a hybrid of the strong mayor and strong council systems that it is hard to classify) and under the council-manager plan.

Forms are not unimportant, but neither are they ends in themselves. They are means to ends. The only rational basis for preferences among them is that one form may serve more conveniently than another as a framework for provisions and practices making for efficiency in municipal service. The first step is to ascertain the features and factors that combine to insure good city government. To do this intelligently, however, involves clarification of an antecedent point often left obscure: good for whom? Municipalities do not operate in a vacuum or serve an undifferentiated clientele. For the upper-income group, good government is mainly a matter of protection to life and property, sound basic public works, and low taxes. For the rank and file, the term has a much larger content. There are scores of things essential to their welfare and happiness that they lack money to buy. If these things are not supplied by public agencies, they normally have to do without them. Consequently, they look to the city for everything about which the wealthy are concerned plus a countless and ever-growing number of services primarily social or economic in character. Good government here means good for them.

I

Specification of the principal changes and standards requisite for improving the government of the metropolitan community of Chicago be-

[1] With special reference to Chicago.

comes the first step in determining whether the council-manager plan embodies a formula superior to that of the present structural system for making public authority sensitive to popular aspirations and efficient in administration.[2] Though perfection would require full compliance with all nine of the following standards, Chicagoans could aim somewhat lower and still register significant advances:[3] (1) Reconstruction of the state and local revenue system to democratize the financial foundations of both community and commonwealth and accommodate methods of taxation to recent changes in the forms and amounts of wealth and income. (2) Adjustment of local governmental areas in accordance with the compression of distances achieved by twentieth-century transportation and communication. (3) Redistribution of seats in the state legislature so as to accord to urban centers the representation to which their numbers should entitle them. (4) Investment of local communities with the power of home rule respecting forms of municipal organization to enable them to concentrate power and responsibility while separating the functions of politics and administration. (5) Provision of dynamic political leadership and proportional representation of interest groups in the common council of the municipality, accompanied by safeguards of integrity in registrations and elections. (6) Provision for continuous popular surveillance of elected representatives by vigorous volunteer citizens' organizations enjoying the privilege of using the initiative, referendum, and recall. (7) Integration of all local public agencies and authorities within the community under the common council and under its executive officer. (8) Recruitment, compensation, promotion, and retirement of public personnel solely on the basis of ability and merit, and in recognition of the technical character of most fields of public service. (9) Allowance to municipal employees of perfect freedom in organization for self-assistance not incompatible with the highest standards of service.

Some of these items, notably the first four, depend upon state action; the others, once needed steps were taken at Springfield, could be introduced at the pleasure of the electorate of the metropolis. The most im-

[2] Attention is called in passing to the variegated background of the government and politics of Illinois. The five or six million people who comprise the rank and file of the population of the state have a great many basic interests in common; nevertheless they also have many more-than-superficial interests separating them. (By "basic interests," the author refers to common needs for food, clothing, shelter, security and employment; among "more-than-superficial interests" are included religion, race, political partisanship, and similar differentials.) Whatever formula is developed, it must be sufficiently comprehensive to effect a reconciliation or "balancing" of all interests and groups. Democracy requires that its political institutions be equally solicitous for the happiness and welfare of all groups in proportion to their numbers.

[3] The needs of the country's 95 other metropolitan areas vary somewhat, but they are not basically different.

portant point is that not a single one of the nine is of such a nature that it could not be adopted, at least in some measure, either under the brand of mayor-council organization which the community now has or under the council-manager form.

This granted, one must begin to make qualifications. The important distinction between politics and administration cannot be erected under the mayor-council plan as easily as under that which for the past generation the National Municipal League has termed the model system of municipal government. And yet the distinction is not an absolute one. It does not, and cannot, hold under all circumstances. The "line" between formulation and execution of policy is often less a line than a zone. In new fields of activity, policies are made in part in the very process of execution or administration—and necessarily so. Like many others, the distinction is partly an intellectual convenience; its function is to facilitate self-guidance not only for persons in public positions but for their "silent partners," the millions of ordinary citizens for whose welfare the whole of government exists. Save for such a criterion, it would be extremely difficult for the public servant or the private citizen to know on the one hand who has power to do what and on the other who is responsible for doing what. With allowance made for the fact that there are "levels" of power and responsibility both on the side of policy determination and on that of administrative direction,[4] a large measure of recognition can and should be given to this basic division, whether Chicago retains the mayor-council form or, assuming the miracle, adopts the council-manager plan. As for the other factors—the merit system, freedom of organization, elimination of *ad hoc* districts through integration of authorities, proportional representation, and the initiative, referendum, and recall—each is capable of being introduced under either structural system. Furthermore, they may be adopted separately or in combination.

II

To "look at the record" of the manager movement in Chicago is, in brief, to learn that several years of agitation by thousands of citizens who want to give Father Dearborn a political face-lifting came temporarily to grief in the spring of 1937, when the lower house of the state legislature, responding to pressure from interests likely to be affected adversely, approved a report of its committee on municipalities unfavorable to a set of bills designed to grant all Illinois cities power to indicate a preference for the council-manager form of government.[5] Three reasons

[4] See the discussion of "Planes of Planning" in the *Report of the Mississippi Valley Committee of the Public Works Administration* (Washington: Government Printing Office, 1934), p. 223.

[5] See *Journal* of Illinois House of Representatives for April 13, 1937.

were given for their action by those who killed the bills. In the first place, they insisted, probably with tongue in cheek, that Chicago already had a city manager in the person of its mayor, Edward J. Kelly, and that he was "the best in the world." They said, secondly, that "something had to be done" to rebuke the Chicago newspaper which had had the effrontery to condemn in advance all who opposed the bills as traitors to their constituents.[6] Realizing that both these reasons would be taken with the proverbial grains of salt, it was mainly on the third that they relied. They said, again perhaps not unhypocritically, that they could not bring themselves to vote even permissive legislation for a type of municipal government that organized labor had deliberately and formally condemned as dictatorial and antidemocratic.[7] There doubtless were other considerations motivating the members of the house,[8] but, at the time, these three were the ones most frequently cited in defense of the action taken.

Why did the Chicago Federation of Labor oppose the Chicago City Manager Committee and condemn the bills it sponsored? Why are its executives still (November, 1938) waging war on the plan?[9] Is it because labor does not want good government? There are undoubtedly segments of organized labor that regard their interests as producers of goods or services that a city may buy as paramount to their interests as consumers of the goods and services that the modern municipality has to sell or supply; and these, like producer-conscious employers, probably do not want too much efficiency and responsibility in city management. As a general rule, however, American laboring men and women *do* want good government. Could it be that labor is still so backward in political education that it does not know how to get what it wants? There is some evidence pointing in this direction; yet here also labor's position is fairly clear and fairly creditable. It does know the factors and features that make for satisfactory public service—but it also knows that the best of devices can be abused. Labor leaders can see as clearly as business men that the council-manager form *could* be made to work democratically;

[6] *Chicago Daily News*, Editorials, April 1, 15, and 17, 1937.

[7] See the *Federation News*, official publication of the Chicago Federation of Labor, February 29, 1937, p. 2. (Just how much "deliberation" preceded the formal "condemnation" is a moot question. What the Federation did was to approve a committee report rejecting a proposal that labor support the "manager movement." So many locals have since shown considerable interest in the plan that leaders in the movement are now (November, 1938) hopeful that the Federation will shortly reverse its position.)

[8] Obviously, personal factors of the most private and compelling character operate in a situation like this, but the author does not consider himself entitled to impose on the reader his purely idle speculations about them.

[9] See any copy of the *Federation News* during the spring, summer, or fall of 1938. Each issue included the script of an "anti-manager" radio address delivered during the week over WCFL, owned by the Chicago Federation of Labor.

but when they see, or *imagine* they see, that the "official" leadership in the movement for it is top-heavy with union-baiting industrial magnates, and that its promotional literature is lopsided with efficiency-expertism, they naturally become cautious, even to the point of suspicion.[10] It is the Emersonian case all over again: what you do speaks so loud that we cannot hear what you say. Nor has it helped matters that the man whom the *Daily News* might back for mayor against Kelly in 1939 is the pride and joy of Cook county's conservative business men—State's Attorney Thomas J. Courtney.

Fairness demands that emotion be discounted and that the Federation's specific criticisms of the plan be examined on their merits. It contends that the plan is undemocratic and would, if adopted, reverse the trend toward greater effectiveness in popular control. They have not, in so many words, argued for the retention of the present system because it embodies checks and balances, but they apparently reason, as did the Cleveland Federation of Labor ten years ago, that the mayor-council type, being analogous to the "federal" pattern, affords similar safeguards against abuses of power.[11] Unfortunately, their thinking is out of touch with the facts, not only those of the functioning of the federal government but also those written into the record of their own city. The widely-read report of President Roosevelt's Committee on Administrative Management emphasizes the fact that negative guarantees against abuses of authority often operate to impede the most appropriate uses of it. There is no way of giving a person power to do something beneficial without at the same time giving him power to do something just the reverse. As for Chicago, its present decentralized and disintegrated system of government is calculated to do anything but insure responsiveness to the wants and wishes of its people, whereas, in contrast, the council-manager plan is designed to effect the most faithful translation into action of whatever policies are favored by the direct representatives of the voters of the community. The editor of the *Federation News* himself seems to have entertained such an understanding of it as recently as three years ago; for he asserted in December, 1935, that the council-manager plan "encourages the active participation by citizens in the affairs of their community through the creating of a simplified governmental process at once responsive, responsible, and easily understood. Of such fundamental significance are the basic principles of the plan that even in city-manager cities where bossism persists, major improvements in governmental

[10] The writer conferred with the committee named by the C. F. L. to consider the invitation to support the city-manager bills before the committee made its adverse report.

[11] See editorials in the weekly *Cleveland Citizen* during September and October, 1927.

effectiveness have been noted. This plan seems well worth trying in Chicago, where the politicos run things at their own sweet will, hell-bent."[12]

Labor contends also that the plan is dictatorial and anti-union, and that under it organized workers would have nothing to gain—might even lose the protection and privileges that they now possess. It argues that it is being asked to give up what it has won through years of dogged effort at the very time when it is on the verge of being able, under the mayor-council form, to gain control over the legislative *and* executive branches. Apparently the Chicago Federation takes substantially the same position as did the Central Trades and Labor Council of New Orleans eight years ago when it denounced the plan as an attempt to "centralize the power of government in one man."[13] City managers have often been charged with being dictators and held to be scornful of unions, yet evidence is available, at least on the former score, that this need not, and normally cannot, be the case. In Cleveland, in the very year following an abortive attempt to abolish the manager plan, the official organ of the unions,[14] though protesting that it had not altered its unfavorable viewpoint "in the slightest degree," declared:[15] "Since the election last fall, Manager Hopkins has shown a fine disposition to deal fairly with organized labor, and deserves credit for so doing, but there is nothing to prevent him from running for mayor and being elected to that position if the manager plan is repealed. The *Citizen* can assure Manager Hopkins that, so far as the organized workers are concerned who will support the Davis amendment, they will not direct their attack against him personally, but rather at the manager plan principle, which is wrong in labor's judgment because it is anti-democratic."

In addition, labor objects to any plan of municipal reform that fails to include the safeguards of the initiative, referendum, and recall—the bills defeated in 1937 did not include them[16]—and this objection is well taken. The *Federation News* has emphasized the need of these devices with so much force, and on so many occasions, that for considerations of strategy alone it would be wise to write them into the plan.[17]

[12] *Federation News*, December 14, 1935, p. 4.

[13] *Ibid.*, July 6, 1929. Two years earlier, a Cleveland laborer phrased the question in this fashion: "The issue . . . is to decide whether or not to keep intact the standing confession to the rest of the world that the people of Cleveland are not intelligent enough to select and direct their chief hired person." See *The Cleveland Citizen*, October 29. 1927.

[14] *Ibid.*, Editorial, April 14, 1928, p. 1.

[15] See "Hatton Advises City-Manager Plan for Chicago," *Federation News*, March 30, 1929, pp. 3, 9, for a warning to labor on the limitations of the electoral process as a method of selecting an able executive.

[16] See House Bill No. 414, Sixtieth Illinois General Assembly, 1937, p. 30.

[17] See *Federation News*, May 15, 1937, p. 4. Illinois does not have the recall, but it has what might be called a form of the referendum. By securing the proper num-

III

Besides these objections, more or less peculiar to labor, other criticisms were—and are—brought against the plan, often by persons deeply interested in effective municipal democracy. One of the most serious of these (Macdonald calls it "most serious of all"[18]) is its disregard of the need for political leadership and its failure to develop it. Friends of the plan insist that this weakness is not so much an inherent one as a product of historical circumstances. They point out that European cities having forms of municipal organization similar to the manager plan have never been conscious of impediments to discovering and developing able leadership. In America, communities employing the commission form have seldom been condemned on this score. There are, moreover, scores of cities where the mayor-council plan has never plowed up a vigorous political leader. Lastly, the national experience of England and France under systems of cabinet responsibility invalidates the claim that the only way to get effective leadership is through direct election by the public.[19]

It is now a full quarter-century since Sumter, South Carolina, initiated the first bona fide experiment with the council-manager form of city government. Four hundred and ninety-four cities, 19 of them in foreign countries, have followed her lead[20] in the eventful years that have intervened; and despite all the trials which the plan has undergone, it is still generally held to be the most advanced type of municipal mechanics.[21] The plan has worn well. Under the conditions of the period from 1912 to about 1930, it generally met the hard test of practice more successfully than either of the two other principal systems. Many observers, comparing financial ledgers, would say that in the last seven years it has even surpassed its record during war and post-war prosperity; others, taking the

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ber of signatures to petitions, the voters either of a municipality or of the state may force the city council or the General Assembly to place a public policy proposition on the ballot. But the results of such an election are not legally binding. See D. M. Maynard, "The Operation of the Referendum in Chicago," University of Chicago doctoral dissertation, 1930. It is understood that these features will be included in a new set of bills to be introduced in January, 1938.

[18] Austin F. Macdonald, *American City Government* (New York, 1936), p. 243. John H. Millar criticized the plan for Chicago on this ground in an extended letter to the *Chicago Daily News*, July 2, 1938.

[19] The foregoing points are adopted from William Anderson, *American City Government* (New York, 1932), p. 333.

[20] There have been only 22 backsliders, leaving 472 still adhering.

[21] The National Municipal League's Committee on Revision of the Model City Charter, meeting in Chicago in June, 1937, to consider changes in the fifth draft of the text, agreed that the council-manager plan ought to be continued as the basis for the model charter.

view that the worst of all times to balance a budget and reduce indebtedness is when people are facing the hardships of a depression, argue that the plan has been relatively less successful during the 1930's than during the two preceding decades. They may still regard the manager form as superior to its rivals; it is simply that they believe the margin by which it excels the others to be less than it was.

Mr. Richard S. Childs sired a brilliant idea when he proposed a generation ago that politics and administration should be separated in the government of American cities. Both his original scheme and the "color" that it acquired during its formative years reflected, however, an assumption, now no longer correct, which was central to the spirit of the pre-Rooseveltian era. This was the assumption that the American state had reached the full development of its functional scope on every level, federal, state and local, particularly the latter. From this basic premise it followed that the only possible issue in municipal affairs was that of efficiency and economy in the administration of an agreed set of functions. The principal thing needed was managerial or administrative ability for the expeditious execution of plans and policies formulated by the council. City government was conceived to be mainly, if not entirely, a matter of "business," and the manager plan was simply a device for guaranteeing that it would be handled on "business principles."

So much was this the case that the very name of the plan reflected the point of view. In the light of the fact that the movement constituted a conscious attempt to distinguish the realms of politics and administration and accord control of the former to the people's representatives and responsibility for the latter to an expert administrator, it would have been no more than reasonable to expect that the title of the plan should indicate such a division of labor. But though a few individuals exercised the caution of calling it the "council-manager" form, the great majority unwittingly revealed their assumptions by coming quickly and permanently to label it the "city-manager plan," just as if the rôle of the council and the mayor were of no consequence. Woodrow Wilson, in his perspicacious essay on "The Study of Administration," had inveighed against treating questions of administration as something "which clerks could arrange after doctors had agreed upon principles." The label "city manager plan" was tantamount to exalting administration in a way neither Wilson nor Childs had ever dreamed of, and relegating politics to a limbo where it would not even rate the dignity of a clerk's attention. Deprecation and disparagement of politics were apparent also in the characterization given to the mayorship. The holder of this office was, and often still is, dismissed as merely a figurehead, a glorified handshaker, or an animated robot dressed up to welcome the district well-drillers' association whenever it should foregather in the community. This descrip-

tion is admittedly a caricature, yet a bit of exaggeration may be necessary to establish the point. Not that there ever was anything inherent in the idea of a municipal-managership to support such a point of view; it is simply that, from the time when the council-manager movement was launched to the present, advocates of the plan have taken it too much for granted that the range and depth of municipal activity is a settled matter.

Looking backward, it is easy to see now that "politics" was more or less "adjourned" in American cities during the era of "good times," and that there was, for a long interval, considerable surface justification for assimilating the running of a government to the running of a business. Today, however—and this may constitute a reason for remodeling, if not the manager plan, at least popular thinking about it—the situation has changed drastically. In coping with the bitter realities that have confronted them during the past decade, the American people, particularly those living in the larger cities, have turned appropriately and with increasing frequency to their various governments for succor. Though their chief reliance has been on federal authority, they have leaned heavily on their municipalities also. Compelled by adversity to do more hard thinking than usual, they have convinced themselves that the solution of the physical-technical problem of "the good life" is already available, and that what is chiefly lacking to usher in an "economy of plenty" is the will to insist that the beginning of the life abundant shall not go on being postponed. The upshot of it all is that politics is "convened" again, even in the urban community, and that from this time forth the greatest care must be taken in every locality to enable people to give a full and fair expression of their views. If it is to be constructive, thinking about the council-manager plan will hereafter need to devote far more attention to the council (including the mayor) side of the council-manager plan than ever heretofore.

IV

Insistence upon proportional representation, i.e., the Hare system with the single transferable vote, and upon a council of appropriate size appears to be the most promising way of redressing the balance between politics and administration in American cities.[22] P.R. is so much the foundation of democracy in policy formulation that the manager plan simply cannot claim to be the model municipal system without making it an integral feature. Curiously enough, the bill sponsored by the Illinois Council-Manager Conference in 1937 included sections providing for it;

[22] Nine, the number proposed in the defeated bills, is patently too small. On the basis of New York City's plan, Chicago should have a council of approximately 15. Enlarging this by several seats would probably be still better.

yet the promotional literature distributed by the Chicago Committee at that time gave only the scantiest attention to these. (The situation has since been rectified.) Allowance must be made, of course, for the fact that the wording of Illinois' obsolete constitution and the trend of the interpretations given under it by the supreme court cast grave doubts on the legality of P.R. in the state. Nevertheless, if it is really good government that they are after, advocates of the manager plan cannot yield on this score. It may be a good way to arouse interest in the idea of a new constitution—and sooner or later this must be accomplished. Until Illinoisians shall have discarded the present strait-jacket, they will never be able to effect any basic reforms.

Getting P.R. on the books would undoubtedly require a hard fight, but the difficulties should not prove insuperable. It would be a dis-service to those interested in securing the manager plan to suggest that the focusing of greater emphasis on this single feature would of itself be sufficient to bring labor and the liberals into line. Labor, like any other group, needs to be educated to the advantages latent in it. There are probably some workingmen in Chicago who on first acquaintance would react to it as did one shortsighted labor leader in Cleveland a decade ago and condemn it as "the P-retty R-otten scheme that prevents us from having a person from each ward to transact *our* business in the Council Chamber."[23] On the whole, however, the record is decisively clear: Given a chance to examine the system on its merits, labor appreciates that it has more to gain through proportional representation than has any other element in the community.[24]

Obviously, labor has every reason to try to enlarge its control of the common council in Chicago. It is several years since a union man has occupied an alderman's chair. Joseph Mahoney, Thomas J. Bowler, and Thomas F. Byrne, all members of the Carmen's Union, sat in the chamber during the 1920's, and Oscar F. Nelson, of the Postal Clerk's Union, served for several terms prior to 1935, when he became a judge of the superior court. At present, however, though the officers of the Federation content themselves with the thought that there are no definitely anti-labor men on the council, it cannot be said that labor has a solitary seat "of its own" out of the 50. That it will remain satisfied with this situation during a period when it is steadily increasing in strength and self-consciousness is inconceivable. It may have counted itself lucky to have a council containing an honest minority in years gone by,[25] but now that it feels that it is on the verge of "arriving," it will not let the possibility

[23] T. J. Dolan, "A Bit of History," *The Cleveland Citizen*, October 29, 1927, p. 3.

[24] G. H. Hallett, Jr., "Why Not Make Votes Count?," *American Federationist*, April, 1929, pp. 451–452.

[25] *Federation News*, Editorial, January 5, 1935, p. 4.

of securing a predominant influence in the local legislature go by default. P.R. is the very thing that it needs to transform its dreams into realities. By getting it to fix its gaze on this phase of the proposed program, the city-manager group might easily persuade it to "go along" with the movement, despite lingering doubts regarding the perils of "municipal dictatorship."

Outside the labor fold are thousands of citizens who for years have been fuming helplessly at the bosses, factions, and machines that have turned Chicago and Cook county into a political hunting ground for their own aggrandizement. With one accord, they too should throw their influence behind P.R. It is reported, perhaps apocryphally, that when representatives of the New York Charter Commission conferred with Tammany spokesmen relative to the new charter adopted last fall, the Sons of the famous Society took the position: "eliminate P.R. and we'll help you get any kind of a charter you want." The Charter delegates took a directly opposite view: "give us P.R. and we'll let you write the rest of the charter."[26] The outcome is history.

There are a number of approaches to the problem of exalting the mayorship. Macdonald proposes to save the mayor from being a nonentity by making him either *ex officio* or through appointment president of the sinking fund, board of education, or some other commission, by clothing him with extensive appointing power, by vesting him with the pardoning power for certain types of offenses, or by giving him a suspensive veto.[27] Obviously, any or all of these changes might help make the mayor a more important figure than he now is in many cities under the manager plan, but there is the danger of undermining the fundamental principle of the system through adoption of either of the first two suggestions, because they would have the effect of making him an administrator. Anderson proposes separate popular election of the mayor, with the understanding that he shall be a member and president of the council and titular head of the city, with a somewhat larger salary than the councilmen but without other special powers.[28] Amended to endow the mayor with a suspensive veto, capable of being overridden by a simple majority, this recommendation would do as much toward endowing the mayor's chair with political prestige as could ever be reasonably expected or as would be necessary.

[26] Like Louis XIV's "I am the state," it does not make much difference whether these things were actually said or not. They might have been said and would have been "in character."

[27] Macdonald, *op. cit.*, pp. 244–245.

[28] Anderson, *op. cit.*, p. 335. Robert E. Garrigan, civic director of the City Club, one of the groups aggressively working for the manager plan in Chicago, denied in a letter to the *Chicago Daily News* on July 16, 1938, that the Chicago manager group is seriously opposed to retention of an elective mayorship.

VI

Somewhat apart from the several foregoing objections to the manager plan is the declaration that, though generally sound, it is unworkable under metropolitan conditions. The most that can be said for the argument is that it is imperative in great cities not to weaken the government politically while strengthening it administratively—but this can be done by the method suggested in the preceding section. Macdonald mentions this criticism only to assert that it "ought to be discarded altogether" because "large cities need professional administrative service quite as much as their smaller neighbors. And they are in a better position to procure it."[29] The fact that Cincinnati, one of the cities in the United States where the plan has been most conspicuously successful, has also been the largest city lately under the plan[30] furnishes a fairly strong factual foundation for the position just described. The recent action in New York City by which America's greatest municipality modernized its form of the mayor-council plan may also be cited as evidence that the principles of the manager plan are distinctly applicable in a metropolitan setting. It is not too much to say that in providing for a deputy mayor who is to be intrusted with general administrative responsibility, New York paid homage directly to the distinction between politics and administration which is the fulcrum of the manager plan.[31]

There are, in fine, plenty of reasons for believing that the manager plan is workable in the metropolitan community; but intelligent consideration must be given both to the conditions under which it can be adopted and to the conditions under which, when adopted, it could actually produce good government.

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A Proposal to Correct the Perverse Elasticity of Legal Debt Limitations. During the depression years, many American municipalities were unable to engage in a program of local public works, with the aid of loan funds, because of legal limitations upon their borrowing power. In a number of states, there are constitutional limits to the incurring of local

[29] Macdonald, *op. cit.*, pp. 247–248. This charge of inapplicability was really the main theme of the Millar letter cited in footnote 18.

[30] In anticipation of the arguments of those who might be disposed to turn this point the other way because of what happened in Cleveland, the reader is referred to "Five Years of City Manager Government in Cleveland," *National Municipal Review*, Supplement (March, 1929), and to Arthur W. Bromage, "Black Sheep: The Story of the Abandonments of the Manager Plan," *National Municipal Review* (February, 1936), pp. 85–91.

[31] See New York City Charter, adopted November 3, 1936, Art. 9. The charter became fully effective on January 1, 1938.

non-self-supporting indebtedness. For example, Pennsylvania limits the debt "of any county, city, borough, township, school district, or other municipality or incorporated district" to seven per cent of the assessed value of the taxable property therein. But the city of Philadelphia is permitted to incur non-self-supporting indebtedness up to ten per cent of the assessed value of the taxable property in the city.

Such constitutional debt limitations are intended to serve as a check on municipal or local borrowing, rather than as a guide to incurring local indebtedness. A sound borrowing policy for capital expenditures in local communities should at all times be guided by the principle of ability to pay.

Application of this principle necessitates careful budgeting of capital expenditures, and proper correlation of them with current revenues. It requires, moreover, effective planning of a program of useful local public works, and the careful timing of such a program, so that the loan funds may be made to yield maximum net benefits to the community. It also involves periodic debt repayment, so that the debt will be retired before the physical facilities, financed with the aid of loan funds, are worn out.

Important as all such guides to incurring public debts may be, certain legal checks on incurring non-self-supporting local indebtedness are likewise essential. They can be made to serve as brakes to curb municipal extravagance. A steering-wheel as well as a set of brakes is an indispensable adjunct to an automobile. Without either, travel would be hazardous, to say the least. So also on the highway of municipal capital outlays. Legal checks can be made to play as significant a rôle in curbing "run away" expenditures out of loan funds as economically sound guides can perform in giving them direction.

But constitutional debt limits, based on a percentage of current taxable property values, tend to be perversely elastic. They expand when they should contract, and contract when they should expand. Speaking figuratively, they tend to release the brakes when these ought to be applied, and to apply them when they ought to be released. This perverse elasticity of legal borrowing power, which was experienced by many local communities during the depression years, may be illustrated with data selected from the annual reports of the controller of the city of Philadelphia. During the twenties, the taxable property values of the city showed a distinct upward trend, reaching a peak of nearly $4,800,000,000 in 1930. In subsequent years, they declined rapidly. For 1937, total taxable property values were only about $3,600,000,000, or 25 per cent lower than in 1930.

Such a decline in taxable property values meant a rapid shrinkage in municipal borrowing power during the depression years. Since the prevailing constitutional debt limit of Philadelphia for non-self-supporting

debts is ten per cent of the taxable property values, borrowing power after 1930 declined in direct proportion with the shrinkage in such property values. Municipal debts, however, chargeable against legal debt limits, had expanded rapidly during the twenties, and by 1932 the outstanding net indebtedness of the city exceeded the legal debt limits. In consequence, the city was unable to expand its debt at a time when many useful municipal projects might have been financed economically with the aid of local loan funds. Its heavy debt service charges, moreover, were absorbing a constantly increasing percentage of the declining tax revenues. In 1937, about 46 per cent of the city's tax revenues were absorbed by interest on public debt alone.

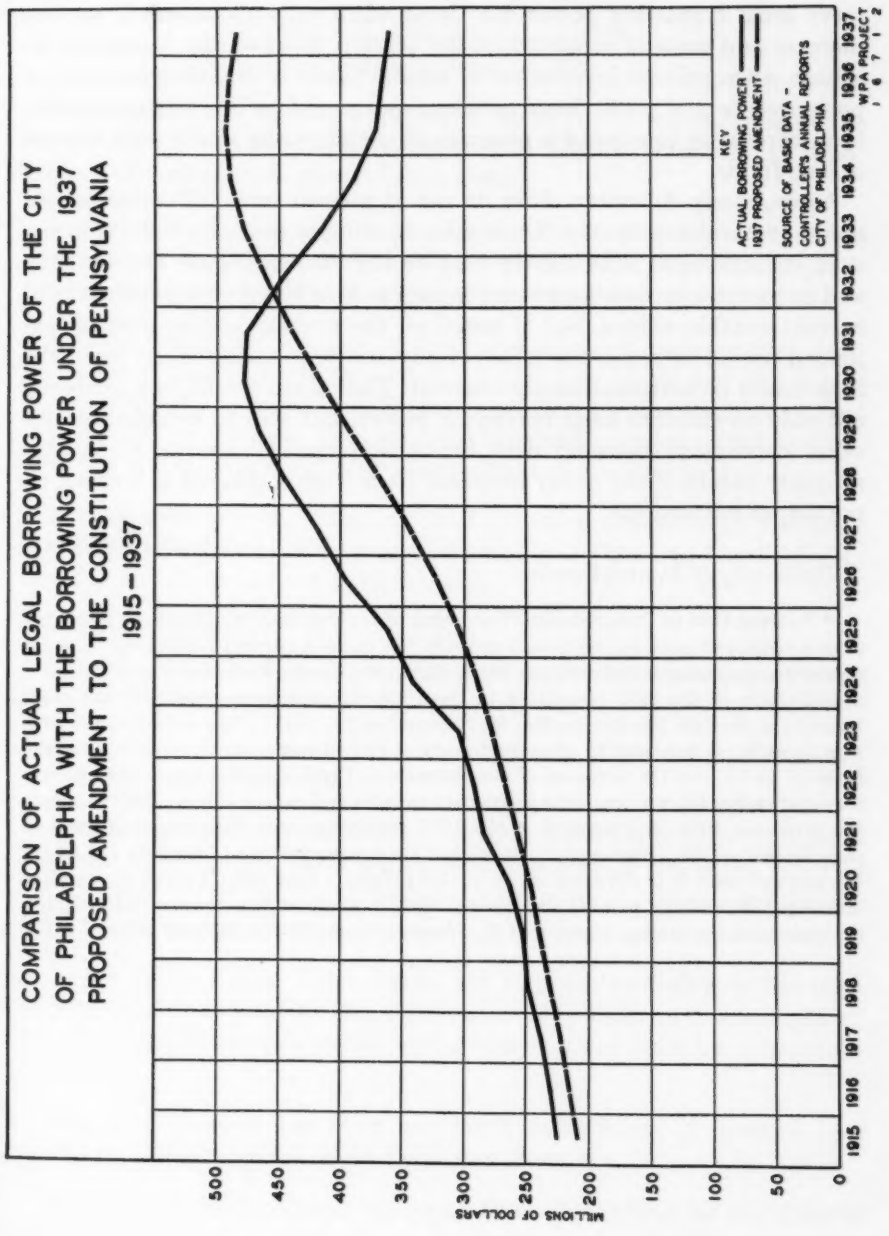
In order to establish a more or less inverse correlation between local borrowing limits and the major cycles in taxable realty values which have been observed in a number of cities, a new basis for local borrowing was recommended in a resolution for a constitutional amendment adopted by the 1937 Pennsylvania legislature. This resolution limits the borrowing power of counties, other than Philadelphia and Allegheny counties, whenever it shall be utilized, to seven per cent of the average annual value of the taxable realty therein for the nine years immediately preceding. On the other hand, the borrowing power of Allegheny county is limited to ten per cent and that of Philadelphia to fifteen per cent of the corresponding base.

The nine-year annual average was chosen as a base for the reason that available data pertaining to the duration of the observed major real estate cycles in American cities indicate that the cycles have heretofore had a length of from fifteen to twenty years. A nine-year period is approximately equal to one-half the duration of this observed cycle.[1]

The accompanying chart illustrates the present legal borrowing power of the city of Philadelphia, together with the borrowing power based on a nine-year forward dated moving average of taxable realty values. It will be noted that this new basis shows a decided lag in statutory borrowing power during years of rising taxable realty values, but continues to rise for some time after such property values have begun to decline.

Even if the number of years of taxable realty values averaged in the borrowing base were not equal to approximately one-half of the observed major realty cycle in a community, but for sake of simplicity of computation were made ten years, debt limits established on the basis of a given percentage of average taxable real estate values over a period of years would still tend to be kept down during a protracted upward swing in taxable property values, and would be maintained at a relatively high

[1] See, in particular, Homer Hoyt, *One Hundred Years in Land Values in Chicago* (Chicago, 1933), and Roy Wenzlich, *The Coming Boom in Real Estate* (New York. 1936).


COMPARISON OF ACTUAL LEGAL BORROWING POWER OF THE CITY OF PHILADELPHIA WITH THE BORROWING POWER UNDER THE 1937 PROPOSED AMENDMENT TO THE CONSTITUTION OF PENNSYLVANIA 1915–1937
MILLIONS OF DOLLARS
0
50
100
150
200
250
300
350
400
450
500
1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937
KEY
ACTUAL BORROWING POWER
1937 PROPOSED AMENDMENT
SOURCE OF BASIC DATA – CONTROLLER'S ANNUAL REPORTS CITY OF PHILADELPHIA
WPA PROJECT
1 6 7 1 2

level during periods of major recession. This would therefore help to conserve local borrowing power for times when unemployment is on the increase and costs of construction are tending downwards. Moreover, at a time when private investment of capital funds is declining because of poor prospects of profit, local governments would be in a better position than heretofore to expand a program of useful public works with the aid of loan funds.

Again, many American cities do not at present have full-value assessments of taxable property. During an upswing in property values, under such conditions, it is relatively easy to increase aggregate assessments, and so increase borrowing power, as long as it is based on a percentage of current taxable values. But if based on the average values over an extended period of years, the effect of any one year's assessment upon the base would be correspondingly lessened. Thus there would be a tendency not only to stabilize local borrowing power, but also to establish an inverse correlation between debt limits and cyclical swings in taxable property values, if the newly proposed basis were employed as a check on municipal borrowing.[2]

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[2] Fearing that in Philadelphia 15 per cent of taxable real estate values, averaged over a period of nine years, would provide too large a current borrowing base for non-self-supporting indebtedness, State Senator George Woodward introduced a modification of the 1937 resolution in the 1938 extraordinary session of the state legislature (Senate Resolution No. 55, September 26, 1938). This substitute resolution, in so far as it relates to the city-county of Philadelphia, reduces the percentage from 15 to 10, and for purposes of simplification of computation uses as the base a ten-year rather than a nine-year average of taxable real estate values. But it accepts the principle, first incorporated in the 1937 resolution, of a long-range average of taxable real estate values as a basis, rather than a percentage of taxable values for the current year. It is the application of this principle that should serve to stabilize municipal borrowing power, and to establish a more or less inverse relationship between such borrowing power and the observed cycle in taxable real estate values.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Dr. Samuel Guy Inman, professor of Latin American relations at the University of Pennsylvania, attended the Eighth International Conference of American States at Lima, Peru.

Professor C. C. Ludwig, of the University of Minnesota, executive secretary of the League of Minnesota Municipalities, was elected president of the American Municipal Association in October last.

Professor Harold S. Quigley, of the University of Minnesota, took part on January 3, in a discussion of Japan's policy in China and its relation to the interests of the United States conducted by the newly organized Committee on Foreign Relations in Portland, Oregon. Professor G. Bernard Noble, of Reed College, is secretary of the Committee.

Professor Harold W. Stoke, of the University of Nebraska, has been appointed educational director of the Institute of State and Local Government at the University of Pennsylvania.

Professor Alpheus T. Mason, of Princeton University, participated in the radio tribute to Mr. Justice Brandeis on the occasion of his eighty-second birthday, on November 13.

At Harvard University, Professor Payson S. Wild, Jr., has been appointed director of debating.

Professor Geddes W. Rutherford, on leave from Iowa State College, is assisting Griffenhagen and Associates in a survey of the government of the District of Columbia now being carried on for the House and Senate committees on the District.

At the University of Notre Dame, Dr. Paul C. Bartholomew has been appointed acting head of the department of politics in the absence of Dr. Francis J. Boland, who has been granted an indefinite leave to regain his health.

Mr. Dale Pontius has been appointed coördinator of research and statistical projects in the WPA for Massachusetts.

Professor J. H. Landman, on leave from the College of the City of New York, is visiting professor at the University of the Philippines and is giving the University Lectures on "The Diplomatic History of the United States."

At the University of Wisconsin, Professor Grayson L. Kirk returned to his post at the beginning of the second semester after teaching a half-year at Columbia University; Professor John M. Gaus returned, on part time, after a year of investigation for the Committee on Public Administration of the Social Science Research Council; and Mr. Glenn B. McClelland, instructor, has accepted a position with the National Resources Committee.

Professor George C. S. Benson, of the University of Michigan, has been appointed director of the curriculum in public administration at that institution. During the summer and following months, Professor Benson was chairman of a subcommittee of the Michigan State Planning Board dealing with local government, grants-in-aid, and zoning in the cut-over areas of the state. During the coming year, he will be in charge of a survey of personnel needs in the public social services for the American Association of Schools of Social Work.

The Institute for Government Research of the Brookings Institution has lately undertaken an administrative survey of Montgomery county, Maryland, under the direction of Dr. Lewis Meriam.

The Geneva School of International Studies held a special two weeks' session in New York City, December 5–17, with a program built around a series of seven lectures by Professor Alfred Zimmern.

Before retiring from office, Governor Frank Murphy of Michigan appointed a Commission on Reform and Modernization of Government, consisting of ninety members, with Professor Joseph R. Hayden as chairman and Professor Arthur W. Bromage as secretary. Among the other members is Dr. Lent D. Upson, of the Detroit Bureau of Governmental Research.

At the University of Tennessee, Professor William Combs (now at Michigan State College, Lansing) has been succeeded by Dr. A. T. Edelman as assistant professor; Dr. Lee S. Greene has been made assistant professor, in addition to his position as supervisor of training in public administration for the TVA; and Dr. Ruth Stephens has been promoted to an assistant professorship of history and political science.

Dr. Howard M. Kline, instructor in political science at the University of Michigan during 1937–38 and at the University of New Mexico during the 1938 summer session, has been appointed instructor at the University of Maryland. The staff of the department has been increased also through the addition of Mr. George E. Walther, of the Yale University Graduate School, as an instructor.

In connection with its Round Table Broadcast, now the oldest educational feature on the air in the United States, the University of Chicago has prepared announcement posters and cards which it will be glad to furnish gratis to academic departments, libraries, and other agencies willing to exhibit them as a means of stimulating student and popular interest.

The three-year study of the New York State educational system, known as the Inquiry into the Character and Cost of Public Education in the State of New York, conducted by a special committee of the Board of Regents under the chairmanship of Owen D. Young, sponsored by the General Education Board, and directed by Dr. Luther Gulick, has been completed. The report of the Inquiry, *Education for American Life*, written by Dr. Gulick, was presented to the Board of Regents and to the people of the state on November 17. While the policies and problems discussed in the volume and the ten supporting volumes directly concern public education in New York State, the issues dealt with by the Inquiry are central to modern education, and therefore of significance not alone to the people of New York State, but to the cause of education throughout the United States. Political scientists will find of special interest the attention which is devoted to problems of organization, administration, and finance.

At a breakfast held during the meeting of the American Political Science Association in Columbus, thirty-five representatives of the profession from Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin decided to hold an experimental conference at Turkey Run State Park in Indiana, May 5–6, 1939, looking toward the possible formation of a Midwest Political Science Association. A committee composed of Professors Clarence A. Berdahl, University of Illinois, S. Gale Lowrie, University of Cincinnati, James K. Pollock, University of Michigan, and Harold Zink, DePauw University, was named to arrange such a conference. Interested persons may obtain information from any member of the committee and are invited to submit suggestions. Colleagues from other states, particularly Iowa, Minnesota, and Missouri, will be welcomed if they care to participate.

With the aid of a grant from the Carnegie Corporation, the Council on Foreign Relations is organizing committees on foreign relations in various American cities. Each committee will consist of some thirty persons chosen to afford a representative cross section of responsible opinion, and will be designed to review in a non-partisan spirit the considerations and objectives that should be taken into account in the formulation of the foreign policy of the United States. The director of the

project is Mr. Francis P. Miller, of Fairfax, Virginia, a member of the Virginia legislature. Another new activity of the Council on Foreign Relations is the establishment, during the autumn, of a research professorship, with Professor Percy W. Bidwell, of the University of Buffalo, as first incumbent; also two research followships, held during the current academic year by Messrs. R. R. Kaul and W. J. A. Feuerlein.

Two new quarterlies in the field of political science have lately made their appearance. One—the *Journal of Politics*—with Professor Robert J. Harris of Louisiana State University as editor and Professor Manning J. Dauer, of the University of Florida, as managing editor, is a publication of the Southern Political Science Association, with the University of Florida underwriting the cost of publication and Louisiana State University the cost of editing. The other—the *Review of Politics*—is edited and published at the University of Notre Dame, with Professor Waldemar Gurian as editor and Professors F. J. O'Malley and F. A. Hermens as associate editors. The subscription price of the former is $3.00, and of the latter $2.50 (for students registered in colleges and universities, $2.00), a year. The *Journal of Politics* will absorb the *Proceedings* hitherto issued annually by the Southern Association, and while leading articles of general interest will be included, the sectional material will be concentrated on the South. The *Review of Politics* will discuss the political realities of our time in relation to their philosophical, historical, and institutional backgrounds.

At the eleventh annual meeting of the Southern Political Science Association, held at the University of Alabama on November 4–5, general sessions were devoted to "The Recent Democratic Primaries in Certain Southern States and their Significance for the Party" and "Territorial Aspirations and Racial Minorities." The presidential address of Chancellor A. B. Butts, of the University of Mississippi, dealt with "Applied Political Science"; Professor A. R. Hatton, of Northwestern University, representing the American Political Science Association, spoke on "The New Economic Policies in the United States"; while luncheon addresses included "Research and Public Action," by Professor George A. Shipman, of Duke University, and "British Experience with Shifting Industries and Populations and Its Lessons for the South," by Professor Lee S. Greene, of the TVA and University of Tennessee. As noted above, the Association decided to launch a quarterly magazine to be known as the *Journal of Politics*. The annual meeting of November, 1939, will be held at Knoxville, with the TVA and the University of Tennessee as hosts.

The sixteenth session of the Institute of World Affairs was held at the Mission Inn, Riverside, California, on December 11–16. Round tables

were conducted throughout the week on "Geographic Factors in World Affairs," "Economic Factors in World Affairs," "Social Factors in World Affairs," "The Post-War Quest for Collective Security," and "The United States in World Affairs." Professor Frank M. Russell, of the University of California, was director of the Institute, and President Rufus B. von KleinSmid, of the University of Southern California, chancellor. Among the leading speakers were Senator Elbert Thomas of Utah; Professor Hugh Sellon, of Oxford University; Professor W. Ivor Jennings, of the London School of Economics; and Chester Rowell, editor of the San Francisco *Chronicle*. Political scientists participating included Professors Charles E. Martin and L. A. Mander, of the University of Washington; J. Eugene Harley and Claude A. Buss, of the University of Southern California; Graham H. Stuart, of Stanford University; Eric C. Bellquist, Russell H. Fitzgibbon, Malbone W. Graham, and Frank M. Russell, of the University of California; H. A. Hubbard, of the University of Arizona; as well as representatives from Loyola University, Mills College, Occidental College, and other institutions.

On September 13, 1938, President C. A. Dykstra of the American Political Science Association appointed a Committee on Exchange Professorships consisting of Professors Charles E. Martin, James Hart, Marshall E. Dimock, James K. Pollock, William Anderson, and Peter Odegard (chairman). The Committee conceived its function to be wholly exploratory and turned its attention to making a preliminary canvass of faculty and administration attitude at various colleges and universities concerning the desirability and feasibility of encouraging exchanges of instructional personnel. A questionnaire was sent to the chairman of the department of political science in more than one hundred colleges and universities the country over. In order that any department which failed to receive a copy may still indicate its attitude (by writing to Professor Odegard at Amherst College or to the appropriate regional representative of the Committee), the questions asked are reproduced below.[1] To the

[1] 1. What, if any, experience have you had with exchange professorships? 2. Would your department and college administration be interested in encouraging the exchange of instructional personnel? 3. To what ranks should an exchange system extend? Should it apply to professors only or to those in lower ranks as well? 4. What services could a standing committee of the A.P.S.A. render in facilitating such exchanges? 5. Would it be possible to fill gaps in curricula by more or less regular exchanges of professors offering courses not usually given in one or another of the coöperating institutions? 6. What would be the faculty attitude toward the exchange of housing facilities? 7. Should an exchange system extend to intra-regional exchanges as well as exchanges between the North and South, East and West? 8. What is the attitude of your department and institution toward a system under which each party to an exchange would be continued on the pay-roll of his home institution? 9. Is there enough interest in the exchange principle to make possible small grants, either from the colleges and universities or from foundations, to assist in paying traveling expenses of those involved?

end of December, the Committee received returns from some seventy colleges and universities, indicating enthusiastic interest in the exchange principle. After receiving the Committee's report at the Columbus meeting of the American Political Science Association, the Executive Council recommended that the president appoint a continuation committee to carry on the work and to see what can be done to arrange exchanges among American colleges and universities in the field of political science; and pending the appointment of a new committee, the Council asked the existing committee to go on with the work. Members of the Association, and especially department chairmen, who are interested in arranging an exchange of personnel with another institution are invited to communicate with any member of the Committee, which will act as an intermediary and clearing house in facilitating such arrangements.—PETER ODEGARD.

Professor James Wilford Garner, for thirty-four years head of the department of political science at the University of Illinois and a former president of the American Political Science Association, was suddenly stricken on November 28 with pneumococcic meningitis and died twelve days later, on December 9, at the age of sixty-seven. Professor Garner was born in Pike county, Mississippi, on November 22, 1871, and received the B.S. degree from the Mississippi Agricultural and Mechanical College in 1892, that of Ph.M. from the University of Chicago in 1900, and that of Ph.D. from Columbia University in 1902. At Columbia he held a University fellowship in political science and public law in 1900–01 and the George William Curtis Fellowship in 1901–02. After completing his formal education, he served as lecturer in history at Columbia University in 1902–03, as instructor in political science at the University of Pennsylvania in 1903–04, and since 1904 as professor of political science and head of the department at the University of Illinois, where he built up a department from one consisting at first of himself alone to one of the most distinguished in the country, with thirteen staff members and more than 1,300 students. Professor Garner was a prolific writer, contributing nearly 300 articles to the leading journals and encyclopedias, and a round dozen scholarly books, chiefly in international law and general political science. Among these books, the more notable were: *Introduction to Political Science* (1910), *International Law and the World War* (2 vols., 1920), *Recent Developments in International Law* (1925), *Prize Law during the World War* (1927), *American Foreign Policies* (1927), and *Political Science and Government* (1927). He was editor-in-chief of the *Journal of Criminal Law and Criminology* in 1910–11, American collaborator for the *Revue Politique et Parlementaire* in 1903–14, a member of the board of editors of the *American Political Science Review* in 1910 and of the *American Journal of International Law* since 1924,

and a member of the Harvard Research Committee on International Law, being the responsible reporter on the Law of Treaties, 1935; and for many years a contributing editor of the *British Yearbook of International Law*. Professor Garner received numerous honors and distinctions, being the James Hazen Hyde lecturer in various French universities in 1921; the Tagore lecturer at the University of Calcutta in 1922; the Goldwin Smith lecturer at Cornell University in 1924; the Stokes lecturer at New York University in 1926; visiting professor at the Institut Universitaire des Hautes Études Internationales at Geneva in 1928–29; a Carnegie Endowment visiting professor at the Universities of Lyons, Strasbourg, Manchester, and Wales in 1929; and a lecturer at various Chinese and Japanese universities during his travels in the Orient. In 1923, and again in 1931, he delivered a series of lectures at the Hague Academy of International Law, and at the time of his death he had just been invited to return for a third series of lectures in the summer of 1939. He was president of the American Political Science Association in 1924, and president of the Institut International de Droit Public in 1935–36. He was made a Chevalier of the French Legion of Honor in 1925, and received the honorary degree of LL.D. from Oberlin College and from the Universities of Calcutta and Lyons, and of Litt.D. from Columbia University. He is survived by his widow, Therese Leggett Garner. Professor Garner had asked to be retired from active teaching at the end of the current academic year, and this retirement was formally approved just as he was stricken with his fatal illness. Professor John A. Fairlie has been appointed to succeed him as head of the department at Illinois.

Thirty-fourth Annual Meeting of the American Political Science Association. The thirty-fourth annual meeting of the American Political Science Association was held in Columbus, Ohio, on December 28–30, 1938. The registered attendance was the largest in the history of the Association, being 555, as compared with 531 in Philadelphia in 1937, 403 in Chicago in 1936, 315 in Atlanta in 1935, 310 in Chicago in 1934, 360 in Philadelphia in 1933, and 200 in Detroit in 1932.

Following the practice of recent years, the program was devoted largely to round-table and section meetings. One of the unique features of the meeting was the dinner commemorating the fiftieth anniversary of the publication of *The American Commonwealth* by James Bryce. Another feature was an announcement by the United States Department of State, through Mr. Cyril Wynne, chief of the Division of Research and Publication, of a decision to publish the records of the Paris Peace Conference, including the minutes of the Council of Four. The program, as corrected to indicate only persons who actually participated, was as follows:

Wednesday, December 28, at 10 A.M.

ROUND TABLES

(1) Political Parties (*First Session*)

Chairman: Harold F. Gosnell, University of Chicago
General Topic: Possibilities of Realignment

"Labor's Non-Partisan League," Darrell Smith, Executive Vice-President, Labor's Non-Partisan League.

Discussion Leaders: Thomas S. Barclay, Stanford University; Earl DeLong, Northwestern University; Arthur N. Holcombe, Harvard University.

(2) Comparative Government (*First Session*)

Chairman: R. K. Gooch, University of Virginia

General Topic: Government and Coöperative Effort in European Democracies

"Government and Coöperative Effort in Scandinavia," Walter Thompson, Stanford University.

"Government and Coöperative Effort in England and France," Hugh McD. Clokie, University of Manitoba.

Discussion Leaders: Ben A. Arneson, Ohio Wesleyan University; Roy V. Peel, New York University; Warner Moss, College of William and Mary.

(3) Public Opinion (*First Session*)

Chairman: Harwood L. Childs, Princeton University
General Topic: Public Opinion Teaching and Research

"Training Government Employees for Public Relations Work," William D. Boutwell, Director, Educational Radio Division, Office of Education, Department of the Interior.

"University Instruction in Public Opinion," Herman C. Beyle, Syracuse University.

"Universities—Pathfinders in Public Opinion," Edward L. Bernays, "The Public Relations Counsellor," Bernard Lichtenberg, Public Relations Counsel, New York City.

"Social Dynamics in the Study of Public Opinion," Peter H. Odegard, Amherst College.

Discussion Leaders: W. Brooke Graves, Temple University; Harold D. Lasswell, W. A. White Foundation, Washington, D. C.

(4) Training for the Public Service (*First Session*)

Chairman: Donald C. Stone, Public Administration Service
General Topic: The Rôle of the University in In-Service Training

Discussion Leaders: Earl Brooks, U. S. Department of Labor; Arthur S. Fleming, American University; A. E. Garey, American Federation of State, County, and Municipal Employees; Lyman S. Moore, Institute for Training in Municipal Administration; Emery E. Olson, University of Southern California; Henry Reining, Jr., National Institute of Public Affairs; Lloyd M. Short, University of Minnesota.

Wednesday, December 28, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

Presiding Officer: Vice-President Henry R. Spencer, Ohio State University

Speaker: Harold J. Laski, London School of Economics and Political Science: "The Future of Parliamentary Government in England."

Wednesday, December 28, at 2:30 P.M.

ROUND TABLES

(4) Training for the Public Service (*Second Session*)

Chairman: Donald C. Stone, Public Administration Service
General Topic: The Rôle of the University in In-Service Training

(5) Contemporary Political Leadership (*First Session*)
Chairman: John T. Salter, University of Wisconsin
General Topic: Traits of Political Leaders

"*Demagogues, Oligogues, and Statesmen,*" Robert C. Brooks, Swarthmore College.
"*The Personality Traits of Senator Barkley,*" Jasper B. Shannon, University of Kentucky.
Discussion Leaders: Hugh A. Bone, University of Maryland; Paul Cuncannon, University of Michigan; W. Brooke Graves, Temple University; Claudius O. Johnson, Washington State College; Edward B. Logan, University of Pennsylvania; Fritz Morstein Marx, Harvard University; Roy V. Peel, New York University; Murray Seasongood, former Mayor of Cincinnati.

(6) Problems of State and Local Government (*First Session*)
Chairman: Lane W. Lancaster, University of Nebraska
General Topic: State-Local Relations

Discussion Leaders: H. F. Alderfer, Pennsylvania State College; J. Thomas Askew, Armstrong Junior College, Savannah, Georgia; William L. Bradshaw, University of Missouri; Edward F. Dow, University of Maine; Christian L. Larsen, Western Reserve University; Roscoe C. Martin, University of Alabama; Robert F. Steadman, Syracuse University.

(7) Legislatures and Legislative Methods (*First Session*)
Chairman: Harvey Walker, Ohio State University

"*Contemporary Interest in Unicameralism,*" Alvin Johnson, Pacific Union College.
"*Theory and Practice of Representation in Democratic Government,*" C. A. Barrell, Washington and Lee College.
"*Modern Trends in Legislative Procedure,*" C. F. Spencer, Oklahoma State Teachers' College.

(8) The United States in the International Labor Organization. (*First Session*)

Chairman: Francis G. Wilson, University of Washington

"*An Evaluation of the American Influence in Drafting Part XIII of the Treaty of Versailles,*" Smith Simpson, University of Pennsylvania.
"*The Constitutional Basis of Our Membership in the International Labor Organization,*" William Gorham Rice, Jr., University of Wisconsin.
Discussion Leaders: John B. Andrews, American Association for Labor Legislation; Marie J. Carroll, World Peace Foundation; Conley Hall Dillon, Marshall College; Elmo P. Hohman, Northwestern University; W. V. Holloway, Tulane University; Samuel McCune Lindsay, Columbia University; Spencer Miller, Jr., Workers' Education Bureau of America; Charles W. Pipkin, Louisiana State

University; William Lonsdale Tayler, Queen's College; Joseph H. Willits, University of Pennsylvania.

Wednesday, December 28, at 6 P.M.

SUBSCRIPTION DINNER

Alumni Participation in Party Politics
Chairman: William E. Mosher, Syracuse University

Wednesday, December 28, at 8:15 P.M.

PRESIDENTIAL ADDRESS

Presiding Officer: John A Fairlie, University of Illinois.
Introductory Remarks: Murray Seasongood, former Mayor of Cincinnati.
Speaker: Clarence A. Dykstra, President, American Political Science Association: "The Quest for Responsibility."

Thursday, December 29, at 10 A.M.

ROUND TABLES

(1) Political Parties (*Second Session*)
Chairman: Harold F. Gosnell, University of Chicago
General Topic: The Future of the Major Parties

"The Republican Party," Earl DeLong, Northwestern University.
"The Democratic Party," Charles West, former Congressman from Ohio.
"Trends in Pacific Coast States," Thomas S. Barclay, Stanford University.
"Trends in the Middle West," Harold M. Dorr, University of Michigan.
Discussion Leaders: Herman C. Beyle, Syracuse University; Arthur N. Holcombe, Harvard University; Peter Odegard, Amherst College.

(2) Comparative Government (*Second Session*)
Chairman: R. K. Gooch, University of Virginia
General Topic: Government and Coöperative Effort in Totalitarian Countries

"Government and Coöperative Effort in Russia," Bruce Hopper, Harvard University.
"Government and Coöperative Effort in Germany and Italy," William Ebenstein, University of Wisconsin.
Discussion Leaders: B. W. Maxwell, Washburn College; Sigmund Neumann, Wesleyan University.

(3) Public Opinion (*Second Session*)
Chairman: Harwood L. Childs, Princeton University
General Topic: Government: Source and Target of Propaganda

"The Division of Cultural Relations," Richard Pattee, Department of State.
"What Five Years of AAA Publicity Experience Teaches," Alfred D. Stedman, Director of Information, Agricultural Adjustment Administration.
"Motion Pictures as a Tool of Popular Information," Arch. A. Mercey, Assistant Director, U. S. Film Service, National Emergency Council.
"Pressure Politics and the Motion Picture Industry," Edgar Dale, Bureau of Educational Research, Ohio State University.
"Official Propaganda in Great Britain," H. Schuyler Foster, Ohio State University.
Discussion Leader: Bruce Smith, New York University.

(9) AMERICAN FOREIGN POLICY (*First Session*)

Chairman: Harold S. Quigley, University of Minnesota

"The Far East," Harold M. Vinacke, University of Cincinnati.

"Europe," Malbone W. Graham, University of California at Los Angeles.

"Conflicting Ideologies," Harold D. Lasswell, W. A. White Foundation, Washington, D. C.

Discussion Leaders: Brooks Emeny, Director, Foreign Affairs Council, Cleveland, Ohio; J. Ralston Hayden, University of Michigan; Grayson L. Kirk, University of Wisconsin; G. Bernard Noble, Reed College.

(10) THE CITY MANAGER PLAN: TWENTY-FIVE YEARS AFTER (*First Session*)

Chairman: Joseph P. Harris, Committee on Public Administration, Social Science Research Council

General Topic: The Council and the Manager

Discussion Leaders: W. F. Cottrell, Miami University; Orren C. Hormell, Bowdoin College; Howard Kline, University of Maryland; J. W. Manning, University of Kentucky; D. G. Monroe, Northwestern University; Frederick Mosher, Public Administration Clearing House; Don K. Price, Committee on Public Administration, Social Science Research Council; Alan Rankin, Syracuse University; Robert Rankin, Duke University; John A. Vieg, Iowa State College; Howard White, Miami University.

Thursday, December 29, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

Presiding Officer: President Clarence A. Dykstra, University of Wisconsin

Speaker: J. Warren Madden, Chairman, National Labor Relations Board, "Some Problems of Labor Relations"

Thursday, December 29, at 2:30 P.M.

GENERAL SESSION

Presiding Officer: Vice-President Robert T. Crane, Social Science Research Council

General Topic: Government Documentation

"Progress of the State Department's Publication Program," Cyril Wynne, Chief, Division of Research and Publication, Department of State.

"Government Publications at the Service of Political Scientists," James B. Childs, Chief, Division of Documents, Library of Congress.

Discussion: Herbert Wright, Catholic University of America.

Thursday, December 29, at 6:30 P.M.

SUBSCRIPTION DINNER

COMMEMORATING THE FIFTIETH ANNIVERSARY OF BRYCE'S AMERICAN COMMONWEALTH

Presiding Officer: President Clarence A. Dykstra, University of Wisconsin

"Bryce on American Parties and Politics," Robert C. Brooks, Swarthmore College.

"Bryce and American Constitutional Federalism," Charles Grove Haines, University of California at Los Angeles.

Remarks: Charles A. Beard, New Milford, Connecticut; Francis W. Coker, Yale University.

Friday, December 30, at 8 A.M.

BREAKFAST MEETING

Conference with respect to a Midwest Political Science Association
(especially for members from Illinois, Indiana, Kentucky,
Michigan, Ohio, Wisconsin)
Chairman: James K. Pollock, University of Michigan

Friday, December 30, at 10 A.M.

ROUND TABLES

(5) CONTEMPORARY POLITICAL LEADERSHIP (*Second Session*)
Chairman: John T. Salter, University of Wisconsin
General Topic: The Politician and Party Organization

"*Political Organization in Indiana,*" Harold Zink, DePauw University.
"*The Personnel of the National Committees and the National Conventions,*" O. R. Altman, Williams College.
"*Pressure Groups and the Democratic Process,*" Peter Odegard, Amherst College.
"*The Political Lieutenants of the Dictator,*" Sigmund Neumann, Wesleyan University.
Discussion Leaders: Hugh A. Bone, University of Maryland; Paul Cuncannon, University of Michigan; W. Brooke Graves, Temple University; Claudius O. Johnson, Washington State College; Edward B. Logan, University of Pennsylvania; Fritz Morstein Marx, Harvard University; Warner Moss, College of William and Mary; Roy V. Peel, New York University.

(6) PROBLEMS OF STATE AND LOCAL GOVERNMENT (*Second Session*)
Chairman: Lane W. Lancaster, University of Nebraska
General Topic: Federal-Local Relations

Discussion Leaders: Ben A. Arneson, Ohio Wesleyan University; Harold H. Burton, Mayor of Cleveland; Charlton F. Chute, Governmental Research Institute, St. Louis; E. Allen Helms, Ohio State University; Leon Wolcott, Committee on Public Administration, Social Science Research Council.

(7) LEGISLATURES AND LEGISLATIVE METHODS (*Second Session*)
Chairman: Harvey Walker, Ohio State University

"*Recent Developments in the Field of Interstate Coöperation,*" Frank Bane, Director, Council of State Governments.
"*The Legislative Council Movement and Its Accomplishments,*" F. H. Guild, Director of Research, Kansas Legislative Council.

(8) THE UNITED STATES IN THE INTERNATIONAL LABOR ORGANIZATION
(*Second Session*)
Chairman: Francis G. Wilson, University of Washington

"*The Participation of the United States in the International Labor Conferences,*" Leifur Magnusson, International Labor Office, Washington, D. C.
"*Congressional Action on Conventions and Recommendations of the International Labor Conference,*" W. Ellison Chalmers, U. S. Department of Labor.

(9) AMERICAN FOREIGN POLICY (*Second Session*)
Chairman: Harold S. Quigley, University of Minnesota

"*Naval Policy,*" Benjamin H. Williams, University of Pittsburgh.
"*National, Parallel, or Collective Action,*" Phillips Bradley, Queen's College.

Discussion Leaders: Charles A. Beard, New Milford, Connecticut; Kenneth Colegrove, Northwestern University; Denna F. Fleming, Vanderbilt University; Walter H. C. Laves, University of Chicago; Benjamin B. Wallace, U. S. Tariff Commission.

(10) THE CITY MANAGER PLAN: TWENTY-FIVE YEARS AFTER (*Second Session*)

Chairman: Joseph P. Harris, Committee on Public Administration, Social Science Research Council

General Topic: The City Manager as a Chief Executive

Discussion Leaders: George C. S. Benson, University of Michigan; Landrum R. Bolling, Brown University; Mary Swan Carroll, Mary Baldwin College; Manning J. Dauer, University of Florida; Edward F. Dow, University of Maine; E. Foster Dowell, Hollins College; Donovan Emch, University of Toledo; Donald Fowler, Tennessee Valley Authority; A. R. Hatton, Northwestern University; Max P. Heavenrich, Jr., Flint Institute of Research and Planning; Samuel C. May, University of California; Victoria Schuck, Florida State Women's College; J. B. Shannon, University of Kentucky; Frank Stewart, University of California at Los Angeles; Harold A. Stone, Committee on Public Administration, Social Science Research Council; Harry Wilson, Northwestern University.

Friday, December 30, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

Presiding Officer: Vice-President Edwin A. Cottrell, Stanford University
Speaker: Leon Henderson, Executive Secretary, Temporary National Economic Committee: "The Changing Nature of Government's Relation to Business."

Friday, December 30, at 2:30 P.M.

ANNUAL BUSINESS MEETING

Presiding Officer: President Clarence A. Dykstra, University of Wisconsin.

At the annual business meeting, the Secretary-Treasurer reported a total membership of 2,090, classified as follows: life members, 45; sustaining members, 15; regular members, 1,846; associate members, 184. During the year, 266 new members were admitted, while there were 126 cancellations—a net gain of 140 as compared with 90 in 1937 and 68 in 1936. The financial report of the Secretary-Treasurer indicated that income for the year was $11,130.12, and expenditure $11,078.78. The checking account of the Association in the First National Bank in Evanston, Illinois, showed a balance of $3,499.19, and the trust fund account, a balance of $221.97. The investments of the Association have been increased to $7,600, all in United States Treasury bonds. The Secretary-Treasurer was instructed to apply the interest received from these bonds during the year 1939 to the maintenance of the Personnel Service.

The Association adopted the recommendation of the Auditing Committee to the effect that the present fund of $7,600 be left intact and that a definite effort be made to increase it. Such increase would, of course, reflect itself in enlarged income for the future activities of the Association. The Auditing Committee reported that the books of the Secretary-Treasurer had been audited by Frank E. Kohler and Company and that the accounts were found to be correct. The Committee renewed its recommendation of last year to the effect that members be billed for annual dues on the basis of the calendar year. Adjustment of all dues to conform to the calendar year would materially simplify the work of the secretariat and should not greatly inconvenience members. During the year 1938, about one-third of the members who were not on the calendar year basis were persuaded to change to that basis. The Committee bespoke the coöperation of all members in carrying out this adjustment.

The following officers for the year 1939 were elected: president, Charles Grove Haines, University of California at Los Angeles; first vice-president, Frederick M. Davenport, National Institute of Public Affairs; second vice-president, Louise Overacker, Wellesley College; third vice-president, Clarence A. Berdahl, University of Illinois; secretary-treasurer, Kenneth Colegrove, Northwestern University; and members of the Executive Council for 1939–41: Harwood L. Childs, Princeton University; Cortez A. M. Ewing, University of Oklahoma; Martin L. Faust, University of Missouri; Harvey Walker, Ohio State University; and Robert R. Wilson, Duke University.

By a rising vote, the Association adopted a memorial prepared by Walter F. Dodd reading: "Professor James Wilford Garner, of the University of Illinois, died on December 9, 1938, in the sixty-seventh year of his age. He participated in the organization of this Association; was, during its earlier years, an important contributor to the success of the *American Political Science Review;* and was president of this Association in 1924. Professor Garner's distinction in the field of his activity was not confined to this Association or to this country, but was international. His contributions to the literature of political science, particularly in the field of international law, were authoritative; and he was sought as a lecturer not only by universities in this country but upon the continent of Europe and in the Orient. He was accorded the high honor of election as president of the Institut International de Droit Public in 1935 and 1936. To those who knew him as colleagues in this Association and as colleagues or students at the University of Illinois, Professor Garner's high scholarly ability was secondary to his personality as a teacher and as a man. His influence with his associates was great, and he did much to train and stimulate students, through whom his influence will continue though he has departed. This Association justly takes pride

in his career. Therefore, be it resolved that this Association records its deep sorrow at the death of its former president, James Wilford Garner, and joins with that sorrow a pride in a life well lived—a life which will continue to be an inspiration to those who knew him and who came under his influence."

The report of Frederic A. Ogg, Managing Editor of the REVIEW, gave an analysis of Volume XXXII (1938), indicating that the disposition of space had been as follows: leading articles, 283 pages; departments, 902; list of doctoral dissertations in preparation, 15; and volume index, 19; total, 1,219. Among the departments, the space was divided as follows: American government and politics, 126; constitutional law, 57; legislation, 56; public administration, 54; rural local government, 21; foreign governments and politics, 46; international affairs, 9; instruction and research, 9; news and notes, personal and miscellaneous, 43; book reviews and notices, 310; recent publications of political interest, 201. On the Editor's nomination, the following members were reëlected to the Board of Editors for the term 1939–40: William Anderson, Robert E. Cushman, Marshall E. Dimock, James Hart, and Alpheus T. Mason. The Editor invited suggestions and criticisms, as well as coöperation in any form, to the end that the REVIEW may be improved in quality and increased in usefulness to the profession.

The Secretary-Treasurer made a report on the Personnel Service and urged heads of departments in universities to be prompt in furnishing information as to students who have recently taken the Ph.D. degree or are candidates for the degree. He also urged members of the Association to inform him as to universities, colleges, junior colleges, normal schools, government agencies, and research bureaus to which the 1939 edition of the Personnel Service should be transmitted.

The following resolution was adopted: "Resolved that the American Political Science Association expresses its appreciation of the enlarged publication policy of the United States Department of State, including the publication of the recent volumes on the Foreign Relations of the United States, the endeavors to shorten the gap between the date of the documents and the date of publication of these documents in the Foreign Relations, and the proposal of a program to publish the record of the Paris Peace Conference of 1919, including the Minutes of the Council of Four; and resolved that copies of this resolution be sent to the Secretary of State, the Director of the Bureau of the Budget, and the Chairmen of the Committees on Appropriations in the House of Representatives and the Senate."

Peter H. Odegard, chairman of the Committee on Exchange Professorships, reported that a statement as to procedure in the arrangement of exchange professorships would be published in the REVIEW.

The Executive Council accepted the invitation of the American University to hold the annual meeting of 1939 in Washington, D. C. Associated with the American University in extending the invitation were: the Catholic University of America, George Washington University, Georgetown University, University of Maryland, Goucher College, Johns Hopkins University, University of Virginia, National University, the Brookings Institution, and the National Institute of Public Affairs.

The Association made a gift of twenty sets of back numbers of the REVIEW to the Smithsonian Institution for distribution to Chinese universities and libraries.—KENNETH COLEGROVE.

Power; A New Social Analysis. By Bertrand Russell. (New York: W. W. Norton and Company. 1938. Pp. 305. $3.00.)

This volume is a study of the family of power. The author brings to it intellectual distinction and achievement of a high order. He brings the prestige of a colorful and stormy personal career, ranging from opposition to the late War to approval of the Munich agreement. He brings literary facility and the art of exposition. As a contribution to social science, however, or to the study of government, the volume is very disappointing.

In undertaking an inquiry in a field outside the range of his technical competence, the writer might either have carried over his professional standards of scholarship as far as possible, or he might have adopted or readapted the methods of scholarship already existing in the field of social science. In a work presented ostentatiously as "a new social analysis," readers might look for a new method or for new material. Neither is found in this volume of "new analysis."

In the grand manner, the author declares his purpose to be that of developing "a more adequate analysis of social changes in general than that which has been taught by economists" (*sic*). This, of course, involves the initial error of assuming that the principal analysts of social change have been economists—an assertion which would startle no one more than the economists themselves.

In this pretentious volume, Russell shows only the most superficial familiarity with progress made in the study of social phenomena or in any special field of social research, either with techniques of inquiry, or with materials assembled, or with interpretations developed. The "new social analysis" does not reject or discard the old for good and sufficient reasons; it seems doubtful whether the author knows what is going on in the world of social science.

None of the modern thinkers such as Max Weber, Durkheim, MacIver, Laski, Kelsen, Mannheim, Wackernagel, and Wieser is apparently known to Russell, nor yet Benjamin Kidd's *Science of Power*. It would perhaps be uncharitable to suggest that much of the "new" Russell analysis of power might have been found in Aristotle's *Politics*—dealing with familial, economic, and other forms of authority. Modesty, of course, forbids my mentioning Merriam's *Political Power* (1934). The author, furthermore, appears totally oblivious of almost all analytical developments in the field of economics, or of jurisprudence, or of sociology in recent times. His chapter on "The Taming of Power" is innocent of any comprehensive knowledge of the theory and practice of this important process in recent generations.

A general new analysis in the field of social science would be highly

significant and very useful, but this volume is rather a collection of popular lectures than a scientific treatise. There are many neat, well-turned phrases. There are also rash and unproved assertions. There are flimsy and irresponsible generalizations of an off-hand nature. For illustration: The "form of government in every country exposed to serious war will be such as airmen will like, which is not likely to be democracy" (202). As a "new analysis" of democracy, this would seem to require more careful examination and validation than a casual sentence or so.

In the field of constitutional relations, we find the Monroe Doctrine airily explained by the fact that the "annexation of territory has difficulties under the American Constitution [because] it involves the admission of new voters"—a constitutional interpretation unknown to American jurists.

The greatest weakness in Russell's analysis of power is an incorrigibly traditional attitude which looks upon power as negative in nature. Following patiently in the old and well-worn rut of conventional thought reënforced by personal experience, he regards power as something to be feared *per se*—as a subtraction from the life and pleasure of others—as something to be "tamed," in his own terminology. This is the old analysis, hoary with time—a product especially of the fears of the anarchists, of the disciples of *laissez faire*, and of some of the liberals of the nineteenth century.

But this is not the key that will unlock the future. It is not the road for the modern scientific student of social relations to follow, as does Russell. Convention and tradition indicate such a judgment, but not an adequate analysis of the power relationship.

There is reason to believe that the future holds for every person some small but precious part in the progressive reconstruction of the society within which he dwells—some contribution not only to the preservation of humanity and its culture, but also to its further advancement toward higher levels of attainment. In this joint enterprise, power and authority become creative instead of repressive; the leaders are not those who crush and bruise, but those who heal and help; and the greatest service to mankind becomes the highest value.

In the day when this new situation is generally understood, not only the concepts of power, property, and prestige, but also the concept of human differences in capacity, enter an altogether different phase. As government ceases to be chiefly repression, and as leadership ceases to be crass domination and exploitation, and as property ceases to be largely an economic symbol of exclusive possession, and as activity ceases to be chiefly long and grinding toil, the whole nature of power is transformed from the negative to the positive, and unfolds in its creative aspects. In these oncoming days, men may achieve not merely that personal security

and community stability which alone might mean monotony and boredom. Men may look forward to adventurous participation in the process of creative evolution—in the constructive transformation and betterment of life conditions.

The greatest of all revolutions in the whole history of mankind is the acceptance of creative evolution as the proper rôle of man; for this will eventually transform the spirit and the institutions of education, of industry, and of government, opening a broad way to the realization of the highest and finest values of human life—to a form of association where leaders no longer scream and curse and threaten, and where men no longer shuffle, cringe, and fear, but stand erect in dignity and liberty and speak with calm voices of what clear eyes may see of the dawning days.

CHARLES E. MERRIAM.

University of Chicago.

Political Philosophies. By CHESTER C. MAXEY. (New York: The Macmillan Company. 1938. Pp. xiii, 692. $4.00.)

While the arrangement of the materials here suggests strongly the content of college courses in the history of political theories and in recent political theories, the attempt is not to write either "a critical treatise on political theories or an exhaustive history of political thought," but to animate the subject and to promote a wider appreciation of "these works of human genius." There is evident, accordingly, for the most part a considerable appreciation of the commonly accepted thinkers from earliest to recent times. There is none of that skeptical, even cynical, attitude toward what already has been accomplished indulged in by some who, on short acquaintance with the past, seek only to make plausible capital in the interest of some momentary intellectual fad. The method, as described by the author himself, is to present: "(1) a lively biographical sketch of the man behind the philosophy; (2) a concise exposition of the nature and significance of the work; (3) a paraphrased summary of his major writings and doctrines; and (4) a few characteristic quotations in which he speaks for himself." To a degree is depicted also the historical setting. There is a minimum, however, of the relating of political doctrine to social and economic fact.

An attractive quality of this extensive book is the author's own approximation to the inspiration of so many of the writings that he selects to expound. Yet there occurs, too, a degree of rhetoric. The rather too frequent mention of "lustrous" minds, and of achievements of "incalculable magnitude," or that tower to "stratospheric altitudes," exaggerates to the point of a certain weakening of effect. We are told: "Mighty in effect as most of Locke's theories were, none shook the bedrock of legitimism and authoritarianism as violently as the famous doctrine of revolu-

tion. Standing foursquare on the proposition that sovereignty can exist only in the community as a whole, etc." Well, any doctrine of sovereignty whatever, in the thought of Locke, is at most implied. Yet there are, too, long stretches of restrained, fluent, effective exposition that leave with the reviewer the feeling that its freshness, added to a wealth of revealing anecdote and of illuminating statement, was not far from resulting—and, with a degree of editing that would not have been at all impossible, could have resulted—in an achievement of really high order.

What appear to be small contradictions it would be ungracious to mention. In point of evaluation, the "sublime lunatic" Rousseau alone would seem not to be sufficiently appreciated in these pages. Neither quite so irresponsible in the sudden shifts of his life—the necessities of which his own creative bent best understood—nor so superficially illogical as the author here is not the first to conclude, he retains at any rate the extraordinary tribute of Immanuel Kant. And there are those who think that he has not yet come into his own. Again, is it true that, but for the doctrine of natural rights, "Adam Smith would have been a prophet crying in the wilderness," the "capitalistic society of the nineteenth century could not have taken form," and the bulwarks which have been built against socialism never could have touched bedrock (p. 208)?

By far the major part of the extended analyses seem sound as well as generally readable. No mere catalogues of names of political writers, these thirty-five chapters include full and vivid accounts of a number of well-chosen contributors—Burke, Spinoza, Hume—who often have been largely neglected in similar works. The picturesque titles of chapters such as, "The First Utopian," "The First Political Scientist," "Strange Interlude," "For God and King Charles," "The Last Stand of *Laissez Faire*," "Democracy at Bay," do not suggest the scholarliness of Sabine's masterful *History of Political Theories*. Yet, not only do they offer an appeal to a wide circle of readers, but they carry with them a great deal of sounder stuff than some of the titles may suggest.

WALTER SANDELIUS.

University of Kansas.

La Crise de la Démocratie et le Renforcement du Pouvoir exécutif. By ÉMILE GIRAUD. (Paris: Librairie Recueil Sirey. Pp. 184)

This is a comparative and systematic examination of the declining position in which democratic government finds itself today, together with certain suggestions for strengthening that position. The author points out the fact that in democratic countries, as in others, an increasing burden is thrown upon the state. He maintains that the complex and manifold tasks of government make leadership more and more necessary. In dictatorships, such leadership presents itself and enforces its will; in democracies, the tendency to distrust the executive and to reject systematic

long-time leadership emanating from the government is so strong that it menaces the satisfactory operation of democratic institutions.

An interesting section is devoted to an investigation of the suspicious attitude maintained in democracies as regards the executive. The author says: "In the countries where democracy and public opinion are effective, . . . a series of barriers are raised against the abuses of executive power, which are consequently not very formidable. First, there is the principle of the 'legal state,' which signifies that the executive power is required to conform with the law; and, furthermore, to conform when it makes any special decisions or issues regulations on its own account. Judicial redress, either before special tribunals or before the ordinary judges, enforces the principle of respect for law. The existence of an ever-present opposition, of a national, regional, and local press independent of the government . . . and of a sensitive public opinion, imposes a certain restraint upon the executive power" (p. 101).

The plea in this book for a more powerful executive cannot be understood in its true light unless it is understood also that the author visualizes the executive as constantly subject to democratic control. After this is made clear, various matters concerning the proposed executive are considered. The direction of policy, both domestic and foreign, leadership in the legislature, and the exercise of regulatory power for the execution of the laws are presented as necessary functions of the executive. The problem of "decree-laws," or orders having the force of law issued by the executive, is much more difficult, and is given considerable attention. Both wide scholarship and calm judgment are brought to bear upon it, with, however, no final answer given.

A powerful executive is described as one which can carry on its work over a long period of time (and here the parliamentary troubles of France and other countries are deplored); one which is stable and invested with executive power and the power to lead the legislature, but one which must always command the confidence of the latter. The executive must be strong in order to fulfill its tasks; its strength must be based upon the confidence of parliament, because any other basis offers an opportunity for the executive to defy the legislature, overthrow democratic government, and institute a dictatorship.

This is a time when in most democracies the executive is despised if weak and hated if strong, when too many men are beginning to believe that democracy is outmoded, when thinking persons are wondering whether they must choose between liberty and stability. At such a time, it is heartening to be reminded that democracies can still function ably and proudly, and preserve both liberty and order, if they will accept a leadership which they impose upon themselves.

MIRIAM E. OATMAN.

The American University.

Pursuit of Happiness. By HERBERT AGAR. (Boston: Houghton Mifflin Company. 1938. Pp. 387. $3.00.)

This book is a plea for what the author calls a real democracy. His emphasis is on equality, especially in its economic aspects, rather than on liberty. He raises the question of why, in great and prosperous countries, some are so rich and so many are so poor, and believes that this is the result not of advanced industrial technology, but rather of the seizure of natural resources by a small group. He urges first a moral change, then economic and political reforms. Rascality is the chief danger to democracy.

The body of the book is a somewhat sketchy historical survey of the Democratic party from Jefferson to Franklin D. Roosevelt. Why the latter is omitted is not stated. Chief attention is directed to the great leaders of the party and to their successes and failures in promoting the democratic ideal. He praises Jefferson for his principle of equal rights and privileges for all, but points out that Jefferson's party in power was compelled to compromise and to abandon many of its democratic principles. This was the result partly of the corrosive effects of the international complications of the Napoleonic wars, and partly of the influence of power on men and events.

Jackson is viewed as the leader who consolidated the party organization and machinery and who made democracy popular. His trust in the people rather than his ability to solve issues is praised. On the other hand, his administration showed the danger of a strong leader who is impatient of legal methods. Under Calhoun, the Democratic party fell under the control of the Southern planters, favored slavery and states' rights, and denied the democratic principles of freedom and equality. The Civil War is viewed as an economic revolution by which political power passed to the industrialists of the North. This was followed by a period of corruption in politics during which democratic ideas were ignored.

Bryan is praised for reviving the democratic ideal and for insisting on the need for far-reaching reforms. His specific remedies, however, were not adequate or judicious. Under Woodrow Wilson, democratic policies took on meaning and dignity because of his high moral purpose, although the World War soon turned his energies from home affairs. The author believes that after Wilson broke with Bryan he got out of touch with what was best in democracy. As with Jefferson, so with Wilson, a world war prevented the carrying out of promising democratic developments and compelled the assumption of dictatorial powers.

The period from 1920 to 1930 is viewed by the author as a dreary decade, a period of moral sloth and of vulgar greed, during which La-Follette tried in vain to revive the ideals of Bryan. By this time the problem of labor came into prominence, our democracy was impaired,

and our economic system put off balance. Here, for some strange reason, the author ends his story. He believes that democratic ideals, though never realized, have never been forgotten; he views with suspicion the attempts of a centralized government to reform the economic system; and he repeats that the only solution is one which will abolish selfishness and greed.

RAYMOND G. GETTELL.

University of California.

Tocqueville and Beaumont in America. BY G. W. PIERSON. (New York: Oxford University Press. 1938. Pp. xiv, 852.)

This study of the American tour of the author of perhaps the most penetrating study of American culture and politics is a model of careful historical research, and a major contribution to an understanding of American life a century ago. The main outlines of Tocqueville's visit to America are well known. What Professor Pierson has done is to weave the day-to-day activities and reflections of the two young and brilliant Frenchmen, Tocqueville and his friend Beaumont, into an account as intimate as it is fascinating, as discriminating in the pattern as it is informative in detail.

The ostensible reason for Tocqueville's and Beaumont's visit was to make an official report on American prisons and prison methods to the French government. Their real purpose (or at least Tocqueville's) was to examine at first hand the workings of American democracy to discover its dynamics in order to apply them to a reform of the senescent aristocratic régime at home. The two-volume report and the six volumes of documents submitted to the government attest the thoroughness with which the visitors performed their official task. The two volumes of *Democracy in America* distilled the essence of Tocqueville's appraisal of the American scene.

Professor Pierson has had access to Tocqueville's and Beaumont's papers in France, and has utilized a large amount of contemporary American material to construct a vivid, first-hand account of the many contacts with all types of Americans, from prisoners and prison wardens to judges, lawyers, and social and business leaders, that were the raw material from which *Democracy in America* emerged. Many excerpts from the meticulous diaries which Tocqueville kept and the letters which he wrote home are included, as are the reflections of Americans who met him. The result is a brilliant and faithful portrayal of the interests which Tocqueville pursued, of the judgments which he made on the spot, of the opinions about all aspects of American life which he collected. Written in a lively style, and carefully referenced, the work will remain the definitive study of the American experience of the author of a definitive

book on democracy in the nineteenth century. To the political scientist, it offers a rich mine of valuable contemporary materials on the politics and government of the period.

PHILLIPS BRADLEY.

Queen's College.

American Politics; A Study in Political Dynamics. BY PETER H. ODEGARD AND E. ALLEN HELMS. (New York: Harper and Brothers. 1938. Pp. xi, 882.)

This book avows the purpose of describing "the translation of social pressures into policy." At root, it is an analysis of American political parties as the instruments which forge into the actualities of public policy specific group demands. Under the arresting captions, "In the Beginning" and "The Politics of Protest," some of the early chapters present afresh the facts in the history of our political factions from Bacon's rebellion to Franklin D. Roosevelt's reëlection. The ensuing pages review party government in relation to national, state, and local régimes, and martial the points of view long current in the classics of our party literature. The attack upon the subject of pressure politics is fresh and engaging. In so far as the authors treat of late developments, they have the advantage of originality.

With an objectivity which is not impaired by a liberal bias, this work weighs and compares the claims of each group and sector of our present political life. In the rural field, the paradox of abundant farm produce and agrarian discontent is at least partially resolved. In the magic world of business, the cross-currents are set forth, each in relation to each. "To explore completely and in detail the full implications of business politics in the United States would be an endless task" (p. 291). With direct approach and the aplomb of congenial collaboration, however, Professors Odegard and Helms have taken much of the American world for their province. Political science no longer consists of a set of isolated institutions and statistics. The by-play of sociology, economics, and history is revealed for all it is worth. Political science appears as a multiple truth. No less than the Chamber of Commerce, the C.I.O. receives its share of attention. "There are signs that the organized workers are being weaned from the non-interventionist philosophy of Gompers, but they can scarcely as yet be said to have found their political bearings" (p. 321). New Deal efforts to meet the impact of labor demands are amply explained, with consideration for underlying motives. Although there is strict adherence to the facts in the divergent cases of labor, business, and the farm, the discussion is suggestive as well as purely expository. In describing the complexity of the American electorate, the theory of the melting pot is given weight.

The machinery behind the political scenes is not overlooked. An enthusiastic survey of the engineering of consent follows the chapters on suffrage, methods of nomination, etc. Slogans and battle-cries, symbols and buncombe, strategy and mere ballyhoo, are aptly connected in a running account of methods used to stampede the electorate. The Midas touch of campaign finance and the efforts of federal and state governments to regulate such expenditures is a topic that evokes realistic insight. Types of ballots, election administration, problems of representation, P.R., and the like are part of the picture. Everywhere more interest is manifested in what makes the wheels go round than in the wheels themselves. In the discussion of pressure politics and majority rule, the influence of a third house, powerful if not always visible, stands forth in its true colors. In the appendices preceding the competent index, charts of the election record in presidential years from 1916 to 1936 and the party platforms of 1936 are given.

The style in which this book is written is as dynamic as its title. After the dry-as-dust textual manner, the vocabulary here seems all the more aggressive. In spite of an unvaried sentence pattern, there is a flair for figures of speech and irresistible quotations. Fact and illustration go hand in hand, with all bibliographical apparatus confined to the footnotes. The authors may rightly challenge the interest of college student and general reader alike. While portions of this material have appeared before in widely separated forms, rarely has it been so clearly articulated or so well dramatized. If there is no new thing under the sun, there are new combinations and interpretations which the imaginative scholar can make.

ARTHUR W. BROMAGE.

University of Michigan.

Roosevelt; A Study in Fortune and Power. BY EMIL LUDWIG. Translated by Maurice Samuel. (New York: The Viking Press. 1938. Pp. xii, 349. $3.00.)

It's a long, long way from the Nile to the Potomac, from Cleopatra to Franklin D. Roosevelt. To negotiate such great distances, both temporal and spatial, by publications appearing within a period of less than a year may imply versatility. In any event, it implies haste. And indeed many passages in Mr. Ludwig's latest book, as published originally by a popular weekly magazine, gave the impression of hurried composition. Some of them even suggested the graceless and hackneyed phrase, "dictated but not read," which used to make its appearance at the bottom of slipshod business letters. Fortunately, these passages have disappeared from the book as now issued by the Viking Press. With them went nearly all the errors of political fact, great and small, which disfigured the serialized

version. However, a new minor error makes its appearance in the present volume—the statement that Alfred E. Smith was defeated by Coolidge.

What Mr. Ludwig endeavors to present is the "portrait of a personality developing upward from fortune to power." "Hence," he says, "the book deals as little with taxes as my *Napoleon* does with battles." In point of fact, the author devotes considerable space, if not to taxes, then to a rather superficial discussion of New Deal policies. Even here, however, his avowed purpose is to illuminate the personality of the President. Unquestionably, Mr. Ludwig succeeds in painting a striking but rather too flattering portrait of Franklin D. Roosevelt. Glowing with rhetoric, suffused with sentimentality, replete with classical allusions, it would have been more effective if the author had avoided certain rather tart commentaries on the President's opponents, notably Herbert Hoover, Alfred E. Smith, and Carter Glass. On the other hand, the numerous contrasts drawn between Roosevelt and Hitler are extremely well done and should set at rest the fears of those too credulous persons who have been persuaded that Franklin D. Roosevelt is a dictator.

In general, Ludwig's attitude toward his subject is incurably romantic. At times, as, for example, in discussing Roosevelt's long struggle with infantile paralysis, this sort of treatment is effective. Elsewhere it results in expressions which cannot fail to stir the risibles even of the most ardent New Dealer. For example, after disposing of the Democratic National Convention of 1932 in half a dozen lines, the author rises to a climactic characterization of Roosevelt as Carmen waiting for the victory of the toreador Farley! Thus what might have developed into a clear-cut and distinguished portrait of the President turns out to be largely a lacy valentine accompanied by comics at the expense of his adversaries.

ROBERT C. BROOKS.

Swarthmore College.

History of American City Government: The Colonial Period. BY ERNEST S. GRIFFITH. (New York: Oxford University Press. 1938. Pp. 464. $3.75.)

This is the initial volume in a series of three or four which the author expects to publish on the evolution of the American city. If Dr. Griffith succeeds in carrying out his ambitious project, he will have rendered a great service to all students of American political institutions; for the need of such a thoroughgoing survey has long been keenly felt. Books in plenty have been written about the American city of today, its relations with the state, its charter, its political organization, and its problems; but no one hitherto has had the courage to undertake a full-length delineation of its past. What the Webbs and others have done for the local govern-

ments of England is what Dr. Griffith has now set out to do, in his own way, for the chartered municipalities of the United States.

The present volume embodies a good start. It deals with the evolution of the borough in colonial times. After a brief survey of the English background, the author examines the sources and legality of the charters which were granted to a considerable number of American municipalities during the two centuries preceding the Revolution. Considerable attention is given to the somewhat conflicting powers and claims of the colonial governors and assemblies in this matter. Subsequent chapters deal with the various reasons why colonial towns desired incorporation as cities and why some places obtained charters while others did not. Population, of course, was not a criterion. In some instances, the author points out, places were chartered as boroughs before they had any white inhabitants at all.

Much of the book is devoted to a careful study of the privileges and powers of the incorporated boroughs, as well as to their political organization. In such matters, of course, there was a conspicuous lack of uniformity. A significant chapter deals with municipal control of economic life in colonial days. The scope and rigor of this control were greater than has commonly been recognized. Elaborate and detailed regulations were framed to govern local trade; they went so far as to lay down strict rules as to price and quality; but even from the outset they were often evaded, and these evasions became more frequent as the eve of the Revolution approached. Those who are interested in a "planned economy" will find some illuminating material in this portion of Dr. Griffith's volume.

In the government of a colonial borough, the people sometimes had a considerable share; in other instances they had very little or none at all. Boroughs were not looked upon as solely units of local government, but as corporate legal entities for the management of common property. Nevertheless, democratization of municipal government proceeded steadily as time went on, and would have become complete, the author believes, if no American Revolution had ever occurred.

A concluding chapter on the finances of colonial municipalities includes much that is new and significant, especially as regards the beginnings of the property tax. In fact, the tireless industry with which the author has explored a vast array of source materials is impressive. Corporation minutes, accounts, board of trade journals, private correspondence, and even early maps, have all been drawn upon freely for authoritative data. The result is a valuable contribution to our knowledge of urban organization in its formative stages.

WILLIAM B. MUNRO.

California Institute of Technology.

Parliamentary Government in England. By Harold J. Laski. (New York: The Viking Press. 1938. Pp. 383. $3.50.)

Few political scientists are as well equipped as is Professor Laski to write about the Mother of Parliaments. His training, his close contact with government, and his long experience in the councils of the Labor party enable him to see clearly the political realities behind the surface of pageantry and dignity which ornaments British institutions. As one would expect, this is no conventional panegyric of parliamentary government. To some extent, it is a "tract for the times" from the Labor viewpoint, and it makes an interesting contrast with the Conservative bias displayed in the writings of Sir Maurice Amos and Lord Hewart of Bury and the Liberal outlook of Mr. Ramsay Muir.

The book opens with a long introductory chapter in which the author expands certain ideas which he has long held and has expressed before. The prerequisites of representative government are listed as a universal fundamental agreement upon the major ends of government, a belief that no class is permanently excluded from power, and a tolerance of the opposition based upon a general sense of security. It is Mr. Laski's belief that these conditions are no longer fully realized, that there is lacking the basic agreement between parties that makes democracy workable. "Are the psychological strains and stresses of such a programme [socialism] not greater than a system of representative democracy can bear? If they are, it goes to prove that the British Constitution, in the form in which we have known it, is merely an expression in political terms of a special parallelogram of economic forces. If they are not, then the British Constitution will be the first to witness a change made without violence in the class-structure of society." This thesis is supported by reference to the following significant facts: the disappearance of the great Liberal party and the drift of its members into the Conservative camp; the renewed legislative attack upon the trade unions; the various suggestions to reconstruct the House of Lords so as to make it a better bulwark against the next Socialist government; the campaign to boost the prestige of the monarchy; the renewed claim "that the Crown is the guardian of the constitution," which might, in a time of crisis, justify the use of the king to defend the conservative position.

It is further argued that the British government has failed to solve the problem of chronic post-war economic distress. An important result of this failure has been the lowering of parliamentary prestige. Parliament has become very largely an instrument for the almost formal approval of executive decisions, and these decisions have to do mainly with undramatic, quasi-technical matters. If Parliament cannot provide the creative leadership and the great solutions demanded by the times, there is grave danger that Englishmen may look elsewhere for them. All this

may lead to revolution of a socialist character or to fascist counter-revolution. The author ridicules the belief that "it can't happen here" and cites the incipient rebellion led by Sir Edward Carson in 1912–14 with the connivance of British generals. He believes that the Conservative party cannot adequately solve the economic problem, because to do so would require changes too fundamental for that party to contemplate. The Conservatives are the representatives of the successful acquisitive class, which is in firm control of every part of British society. It cannot be expected to relinquish this control without a struggle which may extend beyond the "safe bickerings" of Parliament and hustings.

The remainder of the book is devoted to stimulating and penetrating discussions of the party system, the Lords, the Commons, the cabinet, the civil service, Parliament and the courts, and the monarchy. The arguments of Mr. Ramsay Muir against the two-party system and the dangers of bureaucracy (the "new despotism" of Lord Hewart) are answered with cogency. These chapters are rich in actual illustrations from recent parliamentary history. Mr. Laski's rather gloomy outlook for the future of representative democracy in England in no way diminishes his enthusiasm for the excellencies of the British system as a device for the registration of political decisions and the control of policy.

In connection with the Labor party and the civil service (the author is a member of the Civil Service Tribunal), Mr. Laski is able to write with unusual authority. His suggestions for reform in the services are interesting and in part original. The judiciary is criticized sharply for its bias in favor of "the 'rule of law' as though they are themselves the masters of a 'higher law' than that of a sovereign legislature . . . " A Ministry of Justice is suggested as one necessity in connection with a thorough overhauling of the judicial system. It is interesting to note Mr. Laski's contention, supported by case citations, that the English judges have done their best "to build up a kind of Fourteenth Amendment" for the inhibition of change, even though they must act indirectly against acts of Parliament.

The monarchy is given a searching examination. Its recent popularity, since Victoria, is traced to its great importance to British imperialism, and on the domestic side, to the build-up it has received as a symbol of democracy itself, with emphasis upon the royal interest in the welfare of the common man. As one might expect, Mr. Laski condemns what appears to have been the action of King George V in connection with the formation of the first National Government. The author fears that the king is not quite so impotent as the text-books claim, or at least has dangerous potentialities in certain circumstances. Both Edward VII and his successor in 1910 demanded and received the advice to dissolve Parliament. If the ministers had refused, the king's insistence must have

resulted in their resignation and the virtual entry of the king into politics. Similarly, had Edward VIII neither taken Mr. Baldwin's advice nor abdicated, he would have been asserting the right of the monarch to dismiss a ministry. This would have been a return to the conditions of the eighteenth century.

In his preface, Mr. Laski emphasizes the fact that he has not written a complete and formal description of the British governmental system, but rather "a commentary limited to certain aspects of its working . . . which are most relevant to the pressing problems of our time." Because of this, and because the author assumes certain historical and other background on the part of the reader, his book can hardly serve as an introduction to British government for those otherwise ignorant of its history and institutions. For serious students of democratic government, it will be invaluable.

In conclusion, the reviewer would like to compliment the Viking Press on an attractively designed volume, something far too rare among books in the field of political science.

MORLEY AYEARST.

New York University.

The Public Corporation in Great Britain. BY LINCOLN GORDON. (New York: Oxford University Press. 1938. Pp. viii, 351. $3.50.)

We are fortunate in having several excellent studies of government corporations in Great Britain. To Professor Dimock's *British Public Utilities and National Development* and Terence O'Brien's *British Experiments in Public Ownership and Control* has now been added Lincoln Gordon's book. It is a good one, and perhaps more complete and detailed than any of the others.

While we are still not quite sure what these corporations should be called, and while Mr. Gordon's phrase "the public corporation" is open to some objection, particularly from the viewpoint of English usage, at least we all know what he is talking about. The corporations which he studies are the Port of London Authority, the Central Electricity Board, the British Broadcasting Corporation, and the London Passenger Transport Board. In each case he examines the historical background of the corporation, its constitution and powers, finance, administrative problems, and operating results.

The four corporations represent socialized industries. However they may be labeled, the fact remains that properties formerly managed by private owners have been taken over and are now administered by non-profit-making public agencies. Production for use and service is the guiding principle, rather than profit. In each case there was, of course, a

reason why public operation was undertaken. Broadly, the reason was that private ownership did not, or could not, meet social needs satisfactorily. Specifically, in the case of the London docks, excessive competition led to overbuilding when trade was increasing and financial distress when trade slackened or became stabilized. Integrated management and planning of all docks was needed. In electricity, the need again was for planning to bring the advantages of inter-connection, modernization, and standardization to Britain's backward electric utilities. That was too big a job for private industry. As Professor Pigou has recently reminded us, such large-scale ventures in planning require more initiative than private companies can display and involve more risk than they are willing to assume. The British Broadcasting Corporation had a somewhat different origin. It was agreed from the outset that broadcasting should be a monopoly. But if it were to be a monopoly, the British felt it should be in public rather than in private hands. Besides, there is such a close relation between broadcasting and the educational and cultural standards of a country that public operation was thought to be inherently desirable. The origin of the London Passenger Transport Board parallels very closely that of the Port of London Authority: excessive competition led the former private operators into financial difficulties from which only complete coördination of properties under public operation could rescue them.

Mr. Gordon finds that, on the whole, the four corporations have been quite successful. His analysis of the operating results and of various problems of administration and parliamentary control is keen and enlightening. The book is not by any means wholly one-sided, and the author criticizes where he thinks criticism is due. Throughout the book, considerable attention is given to an analysis of operating results. The discussion of the programs of the British Broadcasting Corporation is particularly interesting.

It is perhaps worth mentioning, although without any reflection on any of the authors concerned, that there has been a good deal of duplication of effort in recent studies of government corporations in Great Britain. One cannot help feeling that if there had been some kind of a coördinating research agency, Mr. O'Brien might have concentrated on two of these corporations and Mr. Gordon on the other two, with the result that more thorough studies could have been made. The British Broadcasting Corporation is well worth a book in itself. Of course, coördination of research ought not to mean control of research. Possibly that could not be avoided.

At any rate, we now have an excellent library on what are assuredly among the most important examples of public ownership and operation at the present time.

JOHN THURSTON.

Northwestern University.

The British Empire. By Charles F. Mullett. (New York: Henry Holt and Company. 1938. Pp. xii, 768. $3.75.)

The Crucial Problem of Imperial Development. Edited by A. P. Newton. With a Foreword by the Right Hon. Malcolm Macdonald, M.P. Royal Empire Society Imperial Studies, No. 15. (London: Longmans, Green and Company. 1938. Pp. xvi, 203. $2.40.)

The Struggle for Imperial Unity (1868–1895). By J. E. Tyler. Royal Empire Society Imperial Studies, No. 16. (London: Longmans, Green and Company. 1938. Pp. x, 219. $5.00.)

Considering the limitations of space imposed upon him, Professor Mullett has written an excellent text-book on the history of the British Empire-Commonwealth. It involves no mean task of organization and compression to expound, in a volume of less than eight hundred pages, the basic similarities and differences in the constitutional, political, and economic development of several separate though intimately related countries, in such fashion as to present a balanced, intelligible portrayal. This he appears to have accomplished. The organization of the work comprises a division into the main periods in the evolution of the Empire; then, within these, separate chapters devoted to the various geographical regions involved. Following an introductory survey, eleven chapters are devoted to the foundation and development of the "first British Empire," including India. The disruption and transition to the "second" Empire of the nineteenth century, including the work of the Colonial Reformers, is discussed. Then follow numerous chapters dealing with the development of the separate Dominions and India, and three covering the various other colonies. The survey would probably have been improved by the addition of a chapter or two devoted specifically to constitutional relationships within the British Commonwealth during recent years and today. There are nine colored and six other maps and charts, and an adequate index. The book is well written. In the cases where space precludes extended discussion of a particular point, the author happily avoids the pit-fall of being misleading through an effort to be striking.

The other two volumes under consideration are specific studies issued under the auspices of the Royal Empire Society (London), formerly the Royal Colonial Institute. *The Crucial Problem of Imperial Development* comprises the record of a series of lecture-discussion meetings conducted by the Society in November, 1937. "The purpose of the Conference was to consider the relation between consumption and production, practicable methods for stimulating both, and the effects which the successful attainment of these objectives would have upon the prosperity of Empire countries and upon world trade." Save for lapses on the part of two or three participants, there is a timely emphasis throughout on the need of developing purchasing power. On the whole, the promotion of markets

for United Kingdom products receives major attention. Despite participation by three or four adherents of the British Labor party, the discussions in general represent the Tory viewpoint; needless to say, they presuppose action within a capitalistic framework. During the sessions devoted to India and the crown colonies, several concrete suggestions for raising the native standard of living, mainly through improvement in agriculture and more varied diet, were advanced. These are the bright spots. By and large, however, the record of the proceedings left this reviewer, at least, with an impression of futility—a vital, world-wide, and continually agitated problem, no more adequately handled here than is usually the case.

The other volume in the series is in a different category. Mr. Tyler is lecturer in modern history at the University of Sheffield. He has contributed here a careful, well-balanced study of the first phase of the movement for closer union within the British Empire, namely, from its inception in the later 1860's, through the establishment and dissolution of the Imperial Federation League, to the accession of Joseph Chamberlain to the Colonial Office (1895). During the succeeding years, Imperial Federation entered the battleground of practical politics, under the opposing generalship of Chamberlain and Laurier (later Deakin and Ward, Botha, Borden and Smuts, with John S. Ewart in the background, as minister of munitions for the Dominion Nationalists). It held the field until the post-war settlement, and the official abandonment of Imperial Federation by the "Round Table" group in 1920. But during the earlier period, covered by Mr. Tyler, although the issue was still essentially academic, the groundwork was laid and the basic economic forces involved were already demonstrating their significance.

Through due attention to the relation between salient features and matters of detail, Mr. Tyler has given us an interesting and informing narrative. He seems to have been particularly successful, moreover, in his allocation of emphasis among the three principal factors involved. There were, first, the personalities influential in British public life—and under the existing circumstances the attitudes of strategically placed individuals must not be minimized. Then there was the rise of industrialism and imperialism in foreign countries, which was upsetting the complacency that Britain had enjoyed as the work-shop of the world. Third, there were the new economic interests already at work in Britain and in some of the Dominions (the chapter on "Business Interests and the People" is for this reason perhaps the most important in the book). No student of contemporary Empire-Commonwealth relations can afford to neglect this developmental period, or Mr. Tyler's admirable, if brief, analysis of it.

A. Gordon Dewey.

Brooklyn College.

The Administration of Canadian Conditional Grants. By Luella Gettys. (Chicago: Public Administration Service. 1938. Pp. xiii, 193. $2.75.)

In this book, which is the third volume in the studies on Public Administration sponsored by the Social Science Research Council, the author ventures on a task not adequately performed hitherto, *viz.*, to study Canadian conditional grants from the angle of administration, and to illustrate with brief reference to the experience of similar grants in the United States the merits or defects of Canadian administrative practice. After a brief but adequate introduction on the "constitutional background," the author devotes a chapter to each of the seven cases of conditional grants, beginning with the first in time—that designed to further agricultural education in the provinces under the Agricultural Aid Act of 1912. Her usual method is to describe the terms of the grant, the nature of the federal administrative controls, and the quality of provincial administration. The study is carried through with care, and, despite a few gaps in the bibliography, is founded on a meticulous examination of the best sources of information. The conclusions are judicious.

What emerges clearly in the nine closely packed chapters are the serious defects in the administration of conditional grants in Canada: the almost general ineffectiveness of the federal controls, and the weakness—at times consisting in deplorable negligence—of provincial administrative agencies. The legislation authorizing the grants usually required submission to the federal authority of the proposed expenditure before funds were made available, the inspection of expenditure, and the carrying out of an adequate audit. Yet repeatedly the federal authority failed to use fully and energetically the powers it possessed, and, as in the case of the Employment Service, was content after a few years merely to audit the provincial requests for reimbursement. On this latter case, Miss Gettys aptly remarks: "If the administrative techniques exercised by the Employment Service to deal with the emergency problems of the post-war years had been continued and developed throughout succeeding years, the Employment Service might have functioned more effectively during the recent unemployment crisis." The weakness in federal control has been a symptom of the almost general impotence of the federal authority in relation to the provinces. The provinces are extravagantly jealous of encroachments on their autonomy, and are ever quick to exert political pressure to restrain and defeat such encroachment. Doubtless, as Miss Gettys suggests, the cabinet system is partly responsible for the stubborn reluctance of the provinces to allow the exercise of federal controls, because the political heads assume that they are defending the precious liberties of their electorates in resisting federal supervision. If the transactions concerning conditional grants were carried on at the bureaucratic level between permanent public servants rather than at the political

level between ministers, a wholesome adjustment in relations would be more feasible. But with the situation as it is, there is little wonder that many in Canada believe that the sooner the Dominion is given extensive control over social services the better; for such centralization in responsibility would render unnecessary resort to the dubious expedients of conditional grants.

ALEXANDER BRADY.

University of Toronto.

Canada and the Law of Nations. EDITED BY NORMAN MACKENZIE AND LIONEL H. LAING. (New Haven: Yale University Press. 1938. Pp. xxvii, 567. $4.00.)

This collection of cases was prepared to meet the needs of Canadian teachers and students of international law. The editors seek, on the one hand, to show the nature and content of the Canadian contributions to international law, and, on the other hand, to suggest to the student that international law is not merely academic, but rooted in the experience of their own country. The book is not intended to replace standard collections, since many questions involving important principles have not come before Canadian courts.

The basis of selection of cases is as follows. In some instances, all the material available on a topic is given; in other instances, only a selection "with the object of presenting those cases or parts of them which best set forth the principles of international law." The material is organized under the following main headings: Canada, an international entity; jurisdiction over territory; status of Indians; individuals in international law; international rights and duties; private international law; and war and its effects. Assistance in finding material is given by an index somewhat more detailed than those usually attached to case-books.

Some 160 cases are reported, comprising 110 Canadian decisions, 14 appeals to the Privy Council, 28 American court decisions, and a few awards of international tribunals. The English and American cases affect Canada or Canadians. The editors express the view that "collections of national contributions to international law may constitute a sounder approach to a study of that subject than do some of the attempts that have been made to include in a single volume extracts from the judgments in a variety of states." Assuming the validity of this view, a few suggestions may be offered for subsequent editions. On topics where there is an abundance of material the editors might greatly assist foreign students by notes summarizing omitted cases. While it might be impossible to give the texts of multipartite treaties to which Canada is a party, it would be helpful if the editors should supply a note or a list of treaties showing Canadian participation in international legislation. Finally, Canada in

recent years must have expressed views on international rights and duties in the course of diplomatic negotiations which would round out the picture of her contributions.

The editors are to be congratulated on what is, for a pioneering undertaking, a polished product. Scholars and lawyers will find the book convenient; and it possesses special interest for Americans because "the problems of Canada in international law are largely the problems of Canada in her relations to the United States."

CHESNEY HILL.

University of Missouri.

The Third Reich. BY HENRI LICHTENBERGER. (New York: The Greystone Press. 1937. Pp. xi, 392. $3.00.)

This book is an enlarged and greatly improved English version of a work which appeared originally in 1936 under the title *L'Allemagne Nouvelle.* Its author is the well-known French scholar, Henri Lichtenberger, who is now professor at the Sorbonne and director there of the Institute of Germanic Studies. The editor of this version, Koppel S. Pinson, has illuminated the whole manuscript with numerous notes, and has also added a very useful collection of documents in the appendix and has prepared an excellent bibliography.

In its present form, the book furnishes us with the most comprehensive and fair treatment of the whole Nazi régime which has yet appeared. In striking contrast to many other flaming indictments or defenses of Hitlerism, Professor Lichtenberger has given us a balanced interpretation of what is clearly a most puzzling system. In his discussions of foreign policy he is particularly perspicacious, and in his elucidation of "the myth of race" and of "Spartanism" he has performed a real service. The religious, economic, and social problems peculiar to the Nazi system are also treated well. In fact, when one has finished a thoughtful reading of the book, he must concur with President Butler's foreword that the author has written "an objective and dispassionate review of that which has happened in Germany since the Armistice."

Even in the last chapter, which is entitled "A Frenchman Looks at Nazi Germany," Professor Lichtenberger only occasionally takes off his gloves and really attacks Nazi methods. But even here, sound observations completely dominate the manuscript, and bitterness and recrimination are never present. It is idle, the author concludes, to recriminate against the fact that Germany "presents herself in our new Europe as a new Sparta, hardened by the experiences of the past, systematically trained for manual labor and works of war, animated by a powerful dynamism, in possession of a military establishment of formidable efficiency, animated by a profound disdain for 'bourgeois' civilization and the

ideologies of the past, full of scorn for the formalism, the complexities, and the delays of the old diplomacy, wearied by the long procrastination and ready for direct action, and gathered with all its strained energies in the hands of one leader who disposes of an immense popularity." And it would be dangerous, he adds, "to count on the immediate dissolution of this régime."

Since the book is concerned primarily with a general treatment of the whole Nazi system, one does not find special attention given to governmental and administrative problems. Nor does the National Socialist party as one of the pillars of the state come in for a thorough analysis. In other words, the historical evolution of the National Socialist state, its policies and general character, are emphasized rather than its administrative apparatus. An historian and close student of German culture has thus dealt with those matters which most properly come within the purview of his competence, leaving for the political scientist the detailed description and careful evaluation of the machinery of the state and the party.

A thorough search through the literature of recent German history will disclose, in the opinion of the reviewer, no better book on the general Nazi system than this one by Professor Lichtenberger. The volume, now in its third printing, deserves the wide attention and favorable comment which it has universally received.

JAMES K. POLLOCK.

University of Michigan.

Mussolini in the Making. By GAUDENS MEGARO. (Boston and New York: Houghton Mifflin Company. 1938. Pp. 347. $3.50.)

This is a careful account of Mussolini's early life, collecting the obscure bits of information already published and supplementing them by considerable new material, gleaned for the most part from Italian Socialist periodicals. Unfortunately, the book lacks detailed documentation; in many cases the author's sources are obvious, but too often the historian must look in vain for adequate references.

The account ends, excepting digressions, with 1912, when Mussolini became editor of the chief Socialist paper, the *Avanti*, following the victory of the revolutionary wing over the reformists. Dr. Megaro proves, I think fairly conclusively, that up to that time Mussolini was a consistent internationalist and revolutionary socialist in spite of his casual connections with Republicans at Forli, with Irredentists in the Trentino, and with radical "patriots." He seems to have been motivated principally by two fierce hatreds in addition to his revolutionary passion: his violent anti-clericalism, which was uppermost during his anti-Austrian campaign in the Trentino (1909–10), and his disdain for parliamentary tactics and

government, which brought him the enduring enmity of the Reformists. For the Reformists, whose attitude the author follows on the whole, regard the split in the Socialist ranks in 1912 as a betrayal of the cause and blame the subsequent decline in Italian social democracy on the direct-actionists under the leadership of Mussolini. The most serious "betrayal," however, occurred in 1914, when Mussolini and the syndicalist interventionists abandoned their opposition to war and turned "patriotic." As late as 1912, Mussolini said: "We cannot conceive of a patriotic socialism" (p. 272); and the author is still unable to conceive it. Unfortunately, Dr. Megaro's history ends just before this crucial "betrayal" of socialism took place, and, since he discounts the rumors of venality (p. 191), he is left with "a difficult problem of interpretation." In general, he presents the early Mussolini as in almost everything the antithesis of the later. He even represents Mussolini as inconsistent when he turned violently against his former inspirer, Sorel, though it is clear, even on Dr. Megaro's own account, that the shift on this occasion was in Sorel, rather than in Mussolini.

Nevertheless, the reader will probably think the book well entitled, for it makes the later Mussolini more intelligible. Mussolini was a fanatical Blanquist. "The essential belief of the Blanquists was that a small, resolute, and well-prepared revolutionary minority of armed men should be ready at the opportune moment to overthrow the dominance of the bourgeoisie, seize political power, and maintain it by dictatorial force in the interest of the proletariat. Once dictatorship was established, steps would be taken to organize society along communistic lines. The necessity of insurrection, *coups d'état*, minority action, and authoritarian rule were integral parts of the Blanquist *credo*" (p. 106). The least intelligible years of Mussolini's career, on the basis of this portrait, are 1921–24, when he sacrificed most of his socialism, his anti-clericalism, and his anti-parliamentarianism to his Nationalist allies in order to bring a party to power in Parliament. It is not difficult to see why Mussolini, in order to justify such tactics to his own mind, was obliged to transform the March on Rome into a "revolution."

HERBERT W. SCHNEIDER.

Columbia University.

Italy at the Paris Peace Conference. By RENÉ ALBRECHT-CARRIÉ. (New York: Columbia University Press. 1938. Pp. xv, 575. $5.25.)

This volume follows James T. Shotwell's *Origins of the International Labor Organization* in a series on "The Paris Peace Conference; History and Documents," published for the Carnegie Endowment for International Peace. The author has woven into a facile and comprehensive narrative all available material on negotiations at Paris concerning the

Italian border, Adriatic, colonial, and Turkish questions, fortified with 50 documents and papers. The documents of 1920–24, competently summarized, are not printed, and even the citations of the treaties of Sèvres, Rapallo, and Rome are inadequate. Why do historians persist in the bad habit of using all texts except those which give the final decisions?

Additional material may later contribute details and occasionally elucidate motives, but this judicious and penetrating account of a complex and prolonged diplomatic quarrel is not likely to be superseded by later revelations. If there are more facts—as M. Albrecht-Carrié suspects—they will scarcely change the focus of so competent a picture of a notorious incident; they might add color—British, French, Italian, or Yugoslav.

The controversy which was staged over the Italian northern and northeastern borders could not be more urbanely or more equably told. The reader may writhe at the evasive stubbornness of Orlando or the obstinate virtue of Wilson, but the author placidly tells the story without distorting adjectives. He does picture it as "the dramatized issue of the old order against the new" (p. 324), and that seems to the reviewer too aloof from the realities.

Italy freed itself from the Triple Alliance at the outset of the war of 1914–18 and made a better bargain in the 1915 treaty of London with the Allies than it could with Austria-Hungary because the Allies could promise Austrian territory more generously than Austria would. President Wilson in 1918 enunciated his fourteen points, which were accepted as a basis of peace at the German armistice, but not as such at the prior armistices. They were proper general principles, and were convenient guides in making the several peaces. The collapse of Austria-Hungary provoked Italy, the more so because the neighboring Yugoslavs gravitated toward what became the Serb-Croat-Slovene state and Italy wanted to treat their area as enemy territory. The Americans brought plans to Paris allegedly in conformity with the fourteen points. Those allocations of territory did not match the promises of the treaty of London, which was in bad odor because it was said to be "secret."

A normal negotiation in which these conflicting interests were reconciled by give and take might have ensued if Orlando's cabinet had agreed on a firm line of policy. Instead, he adduced "strategic" arguments in making claims beyond what were regarded by his British and French allies as the exactions of the Treaty of London. Nothing was better calculated to entrench Wilson back of his fourteen points, *literatim*. There followed a year (February, 1919, to February, 1920) of fortuitous proposals, punctuated by Wilson's appeal to the Italian people on April 23 over the head of the Italian premier and the aggravation of the affair by

D'Annunzio's seizure of Fiume on September 11. The Orlando cabinet fell on June 19, 1919, and its successors conducted promising negotiations that even had the technical merit of having a perceptible sequence. They were, however, confronted with Wilson's obdurateness. This reached a point in March, 1920, when he made direct negotiations between Italy and Yugoslavia subject to what amounted to a veto. Mr. Wilson was shortly afterward out of the picture, and Italy and Yugoslavia made their own arrangement. The underlying issue was not between an "old" diplomacy and a "new"; it was rather a misapplication both of an "old" diplomacy of expediency and of a "new" diplomacy of principle.

M. Albrecht-Carrié rounds out his study with a careful and enlightening account of Italy's more or less passive interest in colonial questions and in Asia Minor in the several stages of the Peace Conference.

DENYS P. MYERS.

World Peace Foundation.

Italy's Foreign and Colonial Policy, 1914–1937. By MAXWELL H. H. MCCARTNEY AND PAUL CREMONA. (New York: Oxford University Press. 1938. Pp. vii, 353. $3.00.)

The authors of this book have attempted, as they phrase it, "to explain the fundamental motives, the salient features, and the more enduring tendencies in Italian foreign policy." In so doing they have written less for the student of international politics than for the intelligent layman who is increasingly conscious that a great drama is being enacted within the historic confines of the Mediterranean, and who desires to gain more insight into, and a better perspective about, the relationship of Italy to that drama. Such a reader can find in this well-knit account all the pertinent information that he needs and a great deal of thoughtful and provocative interpretation as well.

In one sense, at least, it must be somewhat easier to make an analysis of contemporary Italian foreign policy than to attempt a similar study for France, Great Britain, or even the United States. Unlike these democracies, Fascist Italy has a foreign policy which is inspired by a single great motivating force, and which is directed inflexibly toward a single goal. That motivation, according to the authors, is the passionate desire to escape from an erstwhile position of inferiority, to make Italy so strong that the Great Powers (read France and Great Britain) can never again speak to her *de haut en bas*. This, and this alone, is the reason why Signor Mussolini has been willing to coöperate from time to time with these Powers on projects in which Italy had no direct or material interest. An instance of this is to be found in the Italian guarantee of the ill-fated Locarno treaty. As Il Duce expressed it later, "Had we abstained, we should have had no part in the agreement which is at the bottom of the

relations between the Great European Powers; in the second place, we should have been isolated; and in the third place, we should have missed an opportunity of putting ourselves on an equality with England on a memorable occasion."

To achieve this equality, Italy is determined to establish herself in a position of unchallenged supremacy in the Mediterranean. The authors are convinced that this is Il Duce's fixed goal, and the only one with which he is seriously concerned. As they view the problem, Italy will never agree to share permanently the mastery of the Mediterranean with France and Great Britain. Consequently, Italian policy is based on the belief that, sooner or later, the issue must be settled by a war with Great Britain. "This is the eventuality for which Italy is preparing and upon which she is concentrating every fiber of her strength, in spite of all the negotiations, discussions, proposals, plans, and diplomatic programmes that are being put forward."

Despite this gloomy conclusion, the truth of which seems to be borne out by recent developments, this is not by any means a "thesis" book. The chapters on Italian relations with the Balkan powers, France, Britain, Germany, and the League of Nations are well-balanced, and the authors have managed to discuss each problem and its ramifications without any excessive amount of duplication. All in all, this is a well-written and useful book.

GRAYSON L. KIRK.

University of Wisconsin.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

In *Mr. Justice Holmes and the Supreme Court* (Harvard University Press, pp. 139, $1.50), Professor Felix Frankfurter brings the constitutional doctrines of one of the greatest of American jurists to a lay public. While the three lectures comprising the little volume were originally given to the undergraduates at Harvard University, they may be read by more mature students of political science with both pleasure and profit. In describing the constitutional philosophy of Mr. Justice Holmes, the author also presents a picture of a truly great liberal. Having finished this portrayal, one cannot help agreeing with Professor Frankfurter that "there is no inevitability in history except as men make it." The influence of Mr. Justice Holmes upon the course of American constitutional development can be but partially appraised at present. But the clear line of analysis presented in these lectures leaves the distinct conviction that Professor Frankfurter is correct in concluding: "Mr. Justice Holmes is built into the structure of our national life and has written himself into

the slender volume of the literature of all time." Under the lecture titles of "Property and Society," "Civil Liberties and the Individual," and "The Federal System," the author pleads Mr. Holmes' passionate conviction in a genuinely dispassionate and tolerant court of last resort. In the opinion of this reviewer, the lecture on "Civil Liberties and the Individual" should be required reading for all those who profess to believe in the fundamental values of democracy. No more firm believer in the ability of men to govern themselves is to be found in the annals of American history than Mr. Justice Holmes, and Professor Frankfurter has rendered real service to the cause of intelligence in democracy in placing this one lecture before the public. Professor Frankfurter has steeped himself in the Holmes tradition with happy results. Even the marvelous prose of a Holmes dissent is matched by sparkling phrases from the pen of Professor Frankfurter. One example must suffice: "When a majority of the Court curbed the efforts of Wisconsin to restrict tax evasion, Mr. Justice Holmes broke a vigorous lance on behalf of Wisconsin's right to translate into law her own not irrational view of human experience." A volume by Professor Frankfurter on Mr. Justice Holmes dedicated to Mr. Justice Cardozo! This alone sets the tempo. Truly a great tradition for those interested in the American constitutional system!—ETHAN P. ALLEN.

Civil Liberties and Industrial Strife (Harvard University Press, pp. 137, $1.50), by Roger N. Baldwin, director of the American Civil Liberties Union, and Clarence B. Randall, vice-president of the Inland Steel Company, comprises four lectures delivered at Harvard University under the Godkin Foundation. The presentation was in no sense a debate. Each wrote and delivered his two lectures independently of the other's statements. Notwithstanding Mr. Randall's suggestion that the American business man is often, if not usually, ineffective in his public statements on such problems, his analysis is more incisive, more specific, and gives the impression of greater restraint and fairness than the two lectures by Mr. Baldwin. If the order of publication may be assumed to be the order of delivery, Mr. Baldwin spoke first. He is concerned with the factors which surround and inspire the emergence of the right of collective bargaining as one of our fundamental civil liberties. His lectures are a sweeping general defense of all that has been done to implement and protect this developing political and economic right. There is not the slightest suggestion in his statement, however, that the growing recognition and power of organized labor may themselves bring new invasions of the civil liberties of employers or other workers—rights which require equally assiduous protection if democracy is to be maintained. Mr. Randall's two lectures contrast with Mr. Baldwin's statement in that he recognizes and

admits the basis of Mr. Baldwin's case, but he presents an insistent and persuasive plea that the remedy must be fair play and conscientious devotion to the protection of the civil liberties of all those involved in the industrial conflict. While he does not so allege directly, he suggests a present inclination to balance the employer's repressions of the past by giving organized labor a retributive license to violate civil liberty in its turn now. His statement of the problems which face the employer in the situation he depicts is impressive and sincere. It is unfortunate that Mr. Baldwin had no opportunity for further discussion in the light of Mr. Randall's comments. In view of Mr. Baldwin's record and experience, his admissions, answers, or constructive suggestions concerning the problems raised would have been extremely valuable. The lack of opportunity for rebuttal, however, is not an adequate defense for his failure to deal with these aspects of the subject. Those of us who believe ourselves to be deeply devoted to the whole broad concept of civil liberty, and who have regarded Mr. Baldwin as one of the most sincere defenders of civil liberty in all of its manifestations and imperatives, cannot avoid great disappointment at his failure to make even the slightest comment in anticipation of the case so ably presented by Mr. Randall.—EARL DELONG.

An Englishman's view of the American constitutional system is to be found in Sir Maurice Amos, *Lectures on the American Constitution* (Longmans, Green and Co., pp. ix, 178, $2.50). Sir Maurice explains that the book constitutes "the fruit of a course of six lectures delivered in the University of Cambridge." It is his belief that the American system of government has been given less attention than it deserves on his side of the Atlantic. Particularly does he feel that the cardinal position of the Supreme Court has not been appreciated. Consequently, Sir Maurice presents primarily a legal interpretation of the American constitution, purposely abstaining almost entirely from considering the constitution as a "political machine." The subjects of the lectures are well chosen. In the initial lecture, the origins of the American constitutional system are examined; and thereafter, the federal judiciary, the commerce clause, the contract clause, the Fourteenth Amendment, and the New Deal are considered in turn. Judged in the light of the audiences and readers for which they were primarily intended, the lectures are admirable. Thus Sir Maurice is careful to explain at length the fundamental aspects of the constitutional system, whereas the American student, being prone to take them for granted, would have proceeded at once to a consideration of more controversial niceties of interpretation. Hence, for the American reader who may not be well versed in his own constitutional régime, the simple approach, the careful analysis of the more significant Supreme

Court decisions, and the examination of contemporary as well as historical problems, make this work extremely useful. On the other hand, the absence of the anticipated comparisons of the English and American constitutions, the paucity of evaluations, the omissions necessitated by the brevity of the work, and the apparent lack of familiarity with some of the important specialized studies on the topics treated impose limitations on the value of the book for the specialist.—WILLIAM O. FARBER.

The stimulus to the writing of *Judges of the Supreme Court* (University of Minnesota Press, pp. 124), by Cortez A. M. Ewing evidently grew out of the 1937 controversy over the Administration bill to pack the Supreme Court. The author feels that when the people are called upon to decide such issues as were involved in that controversy they should know "something more than the mere drivel that passes for weighty argument in the political arena about the excellence or dereliction of our Supreme Court members" (pp. 7–8). He has, therefore, presented a series of groupings of statistical facts relative to the qualifications of judges from 1789 to 1937. The book contains charts and figures on such subjects as the sections of the country from which Supreme Court judges have been appointed in the several periods of American history, their age at appointment, and their general educational and professional training. No significant conclusions are presented apart from some with which students of the Court are generally familiar, such as that most appointments are made from the northeastern section of the country, that the amount of professional training received by judges today is much greater than that of their predecessors, and that the average age of judges has increased down through the years. In fairness to the author, it should be said that he makes no pretense to originality in his deductions. "The primal purpose of the study is no more, and no less, than that of assembling and correlating important data on the almost four-score men whose declarations, during the past one and one-half centuries, have made the American Constitution what it is" (p. 11).—CARL BRENT SWISHER.

Interesting reading on a technical subject is rare, and brevity in a survey covering more than a century and a half is even more so; but Paul M. Zeis turns the trick by a skillful blend of simplicity, sincerity, avoidance of stuffy detail, and a knack for uncovering the conflicts of men and principles lying beneath the surface of the situations he describes in *American Shipping Policy* (Princeton University Press, pp. vii, 254, $3.00). The history of the American merchant marine was one of almost continuous development to the eve of the Civil War. Government aid was present, but not lavish. It was the day of the wooden vessel, and

"American clipper ships and packets sailed all over the world in successful competition with the ships of every other nation. Consequently, the need for what might be called a merchant marine policy did not exist." The merchant fleet declined steadily from 1865 to 1910. Prominent among the causes was the controversy between shipbuilders seeking monopolies under the navigation laws and shipowners demanding the cheaper iron ships obtainable abroad. And thus shipping took its place in that sorry spectacle in American business and political life whereby special interests press and vie for favors while the real interests of the nation are neglected for all purposes save as pawns in the game of puff and pilfer. Retaining remarkable composure in the face of the colossal skull-duggery he describes, Professor Zeis shows how policies favoring subsidies, bounties, coastal shipping monopolies, and juicy mail contracts trip across the American stage—now one, now another—but all singing the same tune: profit, it's wonderful! Shipbuilders had the better of it until 1910, and then the advantage shifted to the owners and operators. Like sailors on a spree, the Shipping Board and Emergency Fleet Corporation, abetted by the post-war congressional legislation, poured money and favors into the stream of American business; but no privately-owned American merchant marine sailed the seven seas. "*At the present time* [1938] *the Government is the real owner of the subsidized merchant fleet despite twenty years of effort to bolster and subsidize private enterprise.*" It seems almost that the armchair mariners deliberately keep the fleet sick so as to make money out of their own quack cures. The book closes with a keen discussion of contemporary policy and with some pointed inquiries on how far the goals of private shipping enterprise coincide with the true national interest. Required reading for congressmen, students, and taxpayers!—GEORGE H. E. SMITH.

The story of an eighteen-month experiment in industrial "self-government" is told by Robert H. Connery in *The Administration of the N.R.A Code; A Case Study of the Men's Clothing Industry* (Public Administration Service, pp. xxii, 211)—one of a group of studies sponsored by the Committee on Public Administration of the Social Science Research Council. Unlike many codes, that of the Men's Clothing Industry was greatly influenced by a strong trade union organization. Consequently, the primary object of industrial government in this instance was to maintain good labor standards incorporated into the code, while other "trade practices" assumed a rôle of secondary importance. Despite its short life, this experiment throws light on some of the basic problems encountered in the effort to bring general industrial enterprise within the scope of government regulation. Thus it is clear that the business structure in the clothing industry is so complicated as to have made im-

possible precise definition of the branches to be included in the Men's Clothing Code—an act of great importance in the subsequent process of government. Jurisdictional disputes were inescapable, and their settlement an unavoidable administrative task not adequately provided for in the code. The division of employers into two organized and one unorganized group, and of the employees into two competing unions (plus some unorganized workers), offered difficult problems of representation upon a Code Authority. In this case, they were solved by giving dominance to one employer group and the strong union organization already closely tied to it by established working agreements. One may be permitted to doubt the suitability of that arrangement had the code system become permanent. The staff organization, procedure, and devices evolved for securing compliance seem to have been remarkably successful. Of outstanding importance was the use of the label, which served the double purpose of helping to enforce and to finance the system. Connery shows at many points the slowness of the National Recovery Administration to adapt its structure, policies, and procedure to the needs of the code system and suggests how better results might be obtained "another time." Lindsay Rogers writes a foreword which illuminates both the story of this particular code and of the N.R.A. He espouses the view that part-time semi-independent boards are suited to the democratic management of the new political agencies born of the attempt to regulate or operate economic enterprise.—CHARLES MCKINLEY.

W. Reed West's *American Government* (Prentice-Hall, pp. x, 816, $3.75) is one more textbook designed to make its subject more teachable by a rearrangement of customary materials. Only the last of its six parts, or eleven of thirty-nine chapters, goes farther in "unified" treatment of national and state governments in action than do other texts which have been in use for years. On the other hand, it has an introductory part similar to that which recent editions of older texts have omitted—definitions of "state," "sovereignty," and abstract concepts of political philosophy. Then follow twelve chapters describing the origin and structure of the national government, and eight chapters on state governments. The next part, entitled "The Formation of Policy," begins with a chapter on political parties and ends with one on government by minorities. Between them, however, are a chapter on elections (suffrage, ballots, corrupt practices acts) and one on administrative personnel (spoils, "civil service" systems, and other aspects of personnel administration), neither of which is shown to have a direct relation to the formation of policy. Nothing in this part deals with the work of legislators, executives, and voters (through initiative and referendum) in policy formation. The fifth part discusses individual rights, due process of law, and the police

power. Worthy of note is the extensive use of simple sentences; freshmen should be able to read the book without great difficulty. However, there is a tendency toward over-simplification. An example is: "If born abroad of American parents, he would qualify as a natural-born citizen" (p. 141). The requirement that the father shall have resided in the United States is not mentioned; nor is there a reference to the dictum in the Wong Kim Ark case indicating an opposite conclusion.—HOWARD WHITE.

The recently established Bureau of Governmental Research of the University of California at Los Angeles has offered, as the first of a series of studies in local government, a report on *Public Relief Administration in Los Angeles County* (pp. 109, mimeo.) by George W. Bemis. The study is a timely one, in view of the fact that during the fiscal year 1936–37 the county charities department "accounted for 57.5 per cent of the total expenditures from funds included in the general county levy." The report also covers the relief work of the cities in Los Angeles county, the state relief administration, and the federal work relief program. Past and present policies, rules of procedure, and administrative organization and techniques are set forth with accuracy and clarity. Carefully documented from official sources, the study presents a wealth of statistical evidence, much of it in the form of tables and charts. An interesting feature is the detailed picture of coöperative relief work by federal, state, and local governments. The strength of the study lies in its factual thoroughness; its only defect is due to the decision of the author and the bureau director to refrain from offering criticisms and recommendations. Facts alone do not always and unmistakably point the way to remedies. However, it is to be hoped that other local areas may soon be favored with research studies of equally scholarly quality; for such studies can go far toward providing the factual foundations upon which a future national relief policy may be based.—CARLTON C. RODEE.

The American Political Scene (second edition, Harper and Brothers, pp. viii, 310, $1.50), edited by E. B. Logan and written by a group of political scientists, undertakes, like the first edition, to analyze some of the forces which determine the course of American politics. The revised edition brings the treatment of the materials abreast of the current developments in American political life. It contains an interpretation of the 1936 presidential election and a description of the resulting political situation. Two further additions distinguish the 1938 edition: an article by Arthur N. Holcombe on "The Changing Outlook for a Realignment of Parties" (Appendix I) and a chapter on "Nominations" by Louise Overacker, in which she discusses nominating methods and indicates four lines along which the nominating process of the future may develop. Of

the four enumerated, she favors the retention of the direct primary "with an improvement of the conditions under which it operates," but does not indicate what lines these improvements are to take.—ELIZABETH A. WEBER.

FOREIGN GOVERNMENT AND POLITICS

For nearly a generation, a well-knit presentation of the main lines of English constitutional history has been standard diet of historians and political scientists. The continuous successive statements of it in general treatments have differed from one another in emphasis and details, but scarcely in fundamentals. At the same time, most of the constitution's chief aspects have been restudied in detail; Jolliffe, Hodgkin, Cam, Stenton, Tait, Tout, and many others have accumulated materials and presented interpretations more and more damaging to the accepted general views. These studies have been influencing other recent writers, to be sure, but an organic incorporation of them into a "radical" restatement of the whole subject has awaited J. E. A. Jolliffe, *The Constitutional History of Medieval England from the English Settlement to 1485* (D. Van Nostrand Company, Inc., pp. 524, $5.00), which is to have a companion volume covering *Modern Britain* by D. L. Keir. Especially in the treatment of the pre-Conquest, Norman, and Edwardian constitutions, the scholar who last read through the subject in Adams and Taswell-Langmead will find himself in a strange world. Such readers will find the hundred appearing out of voluntary associations inspired by the Aelfredian house's pacification policies (p. 116 ff.), the sheriff evolving from the borough high-reeve about the year 1000 (p. 126), bookland, folkland, and laenland explained in terms alien to old controversies on those matters (pp. 71–74), and so forth. The Edwardian and Lancastrian constitutions are redone entirely, in conformity with the work of Tout on the Administration and Gray on the Commons, to mention only two of the revisionist leaders. Such "novelties" could be listed at some length. The book can scarcely be recommended as a classroom text. In a firm desire to keep out the stereotypes of meaning clustered around the familiar phraseology of the subject, the writer consistently uses the direct Saxon, Norman, or Law-French substantives and technical phrases, letting the context of abundant quotations in the original (generally but not always translated) give such terms the meaning which he believes they properly had. The reviewer highly approves the attempt, so well executed, but warning must be given that only an old hand will read directly through each page without stumbling over difficult terminology. That questions and controversies over many of the theses offered still exist is not, perhaps, clearly enough indicated (is scarcely indicated at all); but for all that, the newest interpretations are now offered completely and clearly,

all fitted together, and in a single volume. The service is great.—ROBERT L. REYNOLDS.

Collective bargaining in Scandinavia is the central theme of a very readable volume by Marquis W. Childs, *This is Democracy* (Yale University Press, pp. xvii, 169, $2.50). The author has not, however, been content with merely giving a description of the effective labor and employers' organizations, and of the machinery set up to facilitate the making of wage agreements and to give sanction to them. This he does, to be sure, in a masterly fashion in the first three chapters, which alone would make the volume a significant contribution. Perhaps he should have been a little more specific at certain points, such as in the discussion of the labor courts, where neither the exact powers nor the limitations of these agencies are as clearly described as one might wish. The underlying philosophies and the historical background of Scandinavian collective bargaining are, however, very admirably set forth along with the general outlines of the procedures for making and enforcing wage agreements. But the volume goes beyond the discussion of collective bargaining proper. Between the three opening chapters and the closing one recording the author's conclusions are found several fascinating chapters dealing with other pertinent aspects of the labor situation in Denmark, Norway, and Sweden. One of these deals with the labor governments now in control in the three countries. Here, as elsewhere in the volume, the reader is given intimate thumb-nail sketches of the interesting personalities that loom large on the various Scandinavian scenes. The conscious effort of labor leaders to win agrarian support, which effort in Sweden, at least, has been partially successful, is the theme of another chapter. Still other chapters are devoted to the trade union educational program, with detailed description of the work of the labor school at Brunnsvik in Sweden; to the organization and training (by the union) of domestic workers; and to the more recent movement for organizing white-collar workers. An illuminating discussion of the relations of organized labor to the coöperatives reveals the laborer, as a member of the coöperative, finding himself at times in the position of an employer. The "company towns," built by the employer but frequently governed popularly by the leftists, present an intriguing picture. The author does not describe a utopia. Things are far from perfect in these northern lands, for *this is democracy*, not the millennium. Many problems remain to be solved; but the absence of violence, the growth of mutual confidence between employers and workers in spite of marked differences and heated discussions, the increasing coöperation between rural and urban workers and with the white-collar class, and the very high type of trade union and employer leadership are very hopeful signs. Scandinavian labor leaders realize

that an era of peace and industrial expansion has aided their movement, and they understand that to a degree they are at the mercy of world-wide political and economic developments over which they have little or no control. "But," to quote Mr. Childs' closing sentence, "if this experiment in industrial democracy is not upset by the disaster of war, it may well bring achievements that will have significance for democracy everywhere."—BEN A. ARNESON.

The proper devolution of responsibility within great central administrative departments is a major problem in present-day governmental organization. Very timely, therefore, is this British study by Mary L. Dhonau on *Decentralization in Government Departments* (Institute of Public Administration, pp. 158, 6s.), which analyzes manifestations of geographical decentralization in the following seven departments of the British administrative services: Inland Revenue, Health (National Health Insurance), Pensions, Labor, Works, Post Office, and War. Although each department has been free to work out its own salvation, all, with the exception of Pensions (which is no longer a decentralized department), reveal a three-tier hierarchical structure consisting of the central or headquarters' office, intermediate or regional authorities, and local or operating units. The actual devolution of powers on to the local (as distinct from the intermediate) organizations, the author finds to be greater in the departments of Inland Revenue, Health, and Labor than in the Post Office and War departments. The primary function of all intermediate authorities is the executive and supervisory. There is apparently little administrative duplication and overlapping of headquarters and regional control, since generally the intermediate authority is clearly a projection of central supervisory organs into the regions, an arrangement that involves specialization at the intermediate level and reference to headquarters of only important questions of principle. The Post Office, which is now undergoing regional reorganization, seems to present the least satisfactory situation. Since technical officers have more direct departmental contacts than do functional administrative officers, technical branches show a too great tendency towards independence and lack of coördination of work with the administrative divisions. Of particular interest, also, are the author's observations on the relative importance of inspection and "remote control," preventing isolation of headquarters, control of financial policy, decentralization of "judicial" work, the use of rules and regulations in decentralized organizations, and the paramount importance of the personnel factor in decentralization. The study is not highly critical, nor does it propose many reforms. It is essentially a descriptive account that aims to give a close-up of the actual decentralization process in selected departments. The discussion in the chapters

on individual departments is heavily freighted with details and at times, therefore, difficult to comprehend. But this is scarcely avoidable in a study of such a character. An especially valuable feature is the comparative summary in the final chapter.—MARTIN L. FAUST.

In *Nazi Germany: Its Women and Family Life* (Bobbs-Merrill Co., pp. xiii, 300), Clifford Kirkpatrick gives us the first full-length picture in English of an interesting and significant side of the life of the Third Reich. This reviewer doubts that "the average American newspaper reader conceives of German women herded back to the home and enforced motherhood," or that "Americans are firmly convinced that the conceiving of illegitimate children is applauded by all Nazis and that polygamy is about to be established" (p. 36). The picture which Mr. Kirkpatrick paints is less lurid, but hardly less distressing, to the thoughtful reader. According to Nazi theory, the "woman's problem" was to be solved by "reproduction," "womanly work," and "the home" (p. 125). Attempts to apply these theories have been only partially successful. Marriage and reproduction have been furthered, but there are not enough husbands to go round. The goal of womanly work has been defeated by "the economic forces of capitalism allied with military preparedness" (p. 229). The family has not been greatly enriched by security and happiness. The failure to recognize individual differences in women makes it difficult, especially for the more gifted, "to establish a balance between work and reproduction thoroughly congenial to their predisposition and talents" (p. 291). Of particular interest to the political scientist are the numerous examples of the inconsistencies in National Socialist thinking about the place of women in the social scheme, and their tendency to sacrifice "womanliness" to the exigencies of the rearmament program. Mr. Kirkpatrick leaves unanswered the question whether the National Socialists are evolving new standards or merely reviving old ones. The study would have taken on added significance if the rôle of women in Germany today had been compared with their position in the Old Empire. —LOUISE OVERACKER.

Allied Propaganda and the Collapse of the German Empire in 1918 (Stanford University Press, pp. xiii, 246, $3.50), by George G. Bruntz, is No. 13 of the Hoover War Library Publications. It analyzes the organization and methods and measures the effects of Allied propaganda in Germany during the World War. The author first describes the propaganda organizations in France, England, and the United States, then explains the methods and tactics employed, thereafter analyzing the propaganda material as to content. He includes a short and necessarily sketchy chapter on Bolshevik propaganda and follows this with a more

satisfactory treatment of internal conditions in Germany that tended to make both soldiers and civilians receptive to propaganda from the enemy states, especially, near the end, from the United States. The concluding chapter seeks to measure the effects of enemy propaganda by examining such matters as desertions and letters of German soldiers. The author is commendably cautious in drawing conclusions. He holds, in effect, that although the collapse of Germany, especially after the entry of the United States as a belligerent, was probably inevitable, enemy propaganda likely hastened that result, and that, in any event, propaganda had already become an important factor in international politics. Nevertheless, the reader will likely be inclined to ask if, after all, radical philosophy and general distress within Germany were not, in the final analysis, more important than was enemy propaganda. The volume is well documented from American, English, French, and German sources.—CHARLES A. TIMM.

The ghost of Japanese liberalism, long since done to death by Tokyo's militarists, rises dimly out of the past in Inazo Nitobé's *Lectures on Japan; An Outline of the Development of the Japanese People and Their Culture* (University of Chicago Press, pp. xii, 393, $2.00). Delivered at the end of 1932 and now published posthumously, Dr. Nitobé's homilies on the development of the Japanese people—social, political, and cultural—constitute a benevolent collective portrait of his nation as described by one who had absorbed the culture of both the East and the West. Most of the lectures present a rather sugar-coated version of the Japanese *Weltanschauung*, of Japanese history, of religious ideas and moral codes, of literary life and education. Nitobé's strictures on the misery of Japan's rural population and the practice of political terrorism by military fanatics have been carefully expurgated. For those who still wonder why liberalism in Japan proved such a tender growth, the lengthy remarks on the Manchurian crisis will be illuminating. They incorporate all the stock arguments of the extremists: the menace of Communism in Manchuria and China; the quest for strategic security against Soviet attack; the denial of Chinese sovereign rights over the area north of the Great Wall; the need for an economic life-line on the continent; the disclaimer of Japanese territorial ambitions; and the concern for the preservation of treaty rights jeopardized by China's lack of stable government. "It scarcely seems fair," we are informed, "that Japan's reasons for self-defense are misconstrued, doubted, and ignored." Thus, where national interests were at stake—even in 1932—liberal thought in Japan was silenced. And the sequel has demonstrated that rational criticism cannot be suppressed in one sphere of life without losing its virility in others.—DAVID H. POPPER.

Those persons who found a useful summary of French administrative law in the earlier editions of the *Précis Élémentaire de Droit Administratif* (Libraire Recueil Sirey, pp. viii, 597), by the late Maurice Hauriou, will welcome the fourth edition of this manual, revised by André Hauriou. The book contains three major parts, devoted to administrative organization, administrative litigation, and the law controlling the various agencies of public administration. M. Hauriou defines administrative law as "that branch of public law which regulates the judicial and technical organization and activity of public administration and controls the exercise of their prerogatives." Of interest to political scientists is the account of the development of a separate system of administrative law administered by a separate system of courts which arose out of governmental necessities and which were justified, on a theoretical basis, by a peculiar adaptation of the doctrine of the separation of powers which is both more logical and more workable than the application of the doctrine in this country. At the present time, when so much interest is being manifested in administrative law in the United States, American writers would find it profitable to consider more carefully French and other Continental experience with the *droit administratif* and with the organization and practice of French administrative tribunals which more efficaciously protect the citizen against arbitrary governmental action than the so-called rule of law in Anglo-American public law. M. Hauriou's manual pretends to be no more than a summary, but as a summary it forms a useful introduction to a further study of French administrative law.—Robert J. Harris, Jr.

International Law and Relations

Any step which the United States takes toward effective international coöperation to prevent war is a step toward war. This seems to be the central thesis of Hubert Herring's *And So To War* (Yale University Press, pp. iv, 178, $2.00). Written in an effort to show the parallel between the march of events leading to the involvement of the United States in the World War and the course of events since July 16, 1937, when Secretary Hull issued his statement of principles on American foreign policy, this little polemic is completely oblivious of the long history which antedates the efforts at creating international organization and a community of nations since the World War. Whether its author is unaware of this history which has accompanied the gradual opening of man's intellectual, technical, and commercial frontiers, or whether he finds it inconvenient for the sake of argument to make use of it, is hard to tell. There is one brave plunge into history which goes back to sixteenth century concepts of neutrality, but it is impossible here to determine when the sixteenth century stops and more recent developments

set in. With Mr. Herring's aid, the reader learns many amazing things. Our decision to go to war in 1917 was the same thing as what is today called "picking the aggressor"! (p. 18). Our neutrality proclamation of 1914 was an "international covenant" which Wilson treated as a "scrap of paper" (p. 10). The League of Nations was "Sir Edward Grey's child of hope eagerly adopted by Wilson . . . " (p. 20). Mr. Hull's statement of July 16, 1937, embodied an "obvious underlying assumption that the United States had remained faithful to the precepts cited . . . " (pp. 25–26). Some time in its history, America made an "overwhelming decision" to stay out of the League (p. 33). "The world's map is fixed for Cordell Hull, and while he would freely admit that changes may be necessary, he offers no light on the way in which they can be made . . . " (p. 82). Mr. Hull "does not understand" the economic and political reasons "which explain the recalcitrance of the dictator-ridden countries . . . " (p. 81). The central portion of the volume is a brief annotated chronology of steps taken by the government of the United States since July 16, 1937—steps which are leading us to war; for Mr. Roosevelt and his associates, according to our author, are either bluffing, in which case their efforts are futile, or are not bluffing, in which case they are dangerous. The only safe policy for us is one of neutrality, which means isolation only against war and "not a refusal to share in adjusting the world's economic inequalities" (p. 170). Anyone familiar with modern history and international relations will find this book full of shocks which are challenging and which may lead to a more critical view of current affairs. The uninformed or casual reader in this field will receive a highly biased, and often distorted, interpretation of American policy. A book of a wholly different kind is William Orton's *Twenty Years' Armistice: 1918–1938* (Farrar and Rinehart, pp. xiv, 308, $1.90). At a time when men are everywhere judging events of the moment as though they had no antecedents and as though they will be definitive for the future, it is encouraging to read such a temperate and yet forceful review of the twenty post-war years that produced the Munich settlement. Carefully bringing together all those nationalistic policies which were the immediate aftermath of the Allied victory, but which made illusory the hope of attaining world peace through a formal international organization, Mr. Orton wastes little time trying to assess blame. Rather, he describes how the pursuit of diametrically opposed policies could only produce the economic and political disorganization which with cumulative speed spread around the world, creating gradually a situation in which Munich was natural and even appeared preferable to any practicable alternative available in the fall of 1938. And yet, inevitable as the author believes the breakdown of the peace machinery to have been so long as nations did not give up their particularism in all matters that were vital, he does

not assume that this nationalistic particularism is inevitable. He recognizes that "the most characteristic activities of modern man—intellectual, technical, economic—compel him constantly to revise the systems and ideals he has inherited from the age of isolated communities . . . " and still sees a prospect for a diminishing of the importance of national boundaries. This volume, simply but accurately written, places our recent international crises in the proper perspective of the history of post-war world politics and the whole post-war period in the perspective of modern history. It should be read by all who have succumbed to tabloid thinking on international affairs, and will be an encouragement to those who hold to the long-run view of things.—WALTER H. C. LAVES.

President-emeritus Lowell, in his foreword to *Before America Decides; Foresight in Foreign Affairs* (Harvard University Press, pp. xiv, 318, $3.00), asserts that "planning in foreign relations is just as essential as foreseeing the future and planning to meet it in any other activity." The editors of the book, F. P. Davidson and G. S. Viereck, Jr., of the *Harvard Guardian*, have aimed to give the reader the tools with which to plan—that is, an understanding of the "World Background" and the "American Background" for our foreign policy (Parts I and II of the book), and of the "Issue" (Part III) between collective security and a purely national policy. Professor Clyde Eagleton presents the case for collective security, holding that "in any community, law and order can be maintained only by the combined strength of all against those members of the community who break the law." The international law thus to be enforced is discussed by Professor Payson S. Wild, who declares that "more realistic acceptance of what *is* would widen the legal area and tend to make the law more acceptable in quarters now hostile"—a proposition of merit which still leaves large gaps to be filled before law enforcement can begin. Under the title of "Neutrality," Professor E. M. Borchard attacks the thesis that the task of international law is the preservation of peace, and pleads for retention of those "principles and rules by which belligerents and neutrals achieved reasonably definite guides for the conduct of their reciprocal relations on land and sea." Professor Philip Jessup discusses the proper planning of neutrality legislation, including "the study of (1) the situations which the legislation is designed to meet; (2) the various proposals which have been advanced to meet those situations; and (3) the effects of adopting any given proposal." Background chapters on general and regional policies have been written by Professors Bemis, Holcombe, and Haring, and Dean Phelps of Harvard. Major Eliot outlines the essentials of a successful military and naval defense against aggression; "but it must not go beyond this need, lest it arouse the fears of others and also impose a needless burden on the treasury." Thought-provoking chap-

ters on "Nationalism," "Economic Forces," and "Public Opinion" complete the picture presented. The Appendix includes documents on isolation, coöperation, the Open Door, and the Monroe Doctrine. A brief bibliography accompanies each chapter. Except for the mutual criticisms in the sections on "Collective Security" and "Neutrality," the book presents a simple, clear picture of our major problems of foreign policy, with their individual solutions. The reader will share with the experts the uncertainty concerning the possible attainment of collective security.—HAROLD J. TOBIN.

The fifth edition of Manley O. Hudson's *The World Court, 1921–1938* (World Peace Foundation, pp. ix, 345, $0.75) follows much the same organization as the previous edition. A foreword summarizing the history of the Court, its composition and its jurisdiction, is followed by Part I including a list of the members of the Court; a chronology of the sessions held; a series of instruments relating to the Court, from the resolution of the First Assembly of the League of Nations in 1920 to the Rules of the Court adopted March 11, 1936; and a list of the Court's official publications. The main body of the handbook consists of brief factual summaries of the judgments and orders and of the advisory opinions. Since the last edition appeared in 1934, a number of additions are found in the present volume: *Judgments* 22–27 (Lighthouses Case between France and Greece, the Oscar Chinn Case, the Pajzs, Csáky, Esterházy Case, Diversion of Water from the Meuse, Lighthouses in Crete and Samos, and the Borchgrave Case); the *Orders* in the Losinger and Company Case between Switzerland and Yugoslavia; *Opinions* 26 and 27 (on minority schools in Albania and on the constitutionality of certain Danzig decrees). Part II includes, as before, certain documents relating to proposed participation of the United States in the Court. In this edition are added two documents from 1932 ("Proposed Resolution Authorizing Contributions to the Court," and Report of the House Foreign Affairs Committee of June 15, 1932) and two dating from the most recent effort to bring this country into membership (Report of Senate Committee of June 15, 1935, and the Resolution defeated January 29, 1935). This basic handbook of the Court fortunately continues to be a factual summary, free from editorial comment and without any effort to appraise the place of the Court in the rapidly changing pattern of international relations.—WALTER H. C. LAVES.

Professor Raymond J. Sontag's *Germany and England; Background of Conflict* (Appleton-Century Co., pp. 362, $3.50) is really two books in one. The first is printed in black on white—a sincere, sympathetic, and admirably sportsmanlike study of Anglo-German relations from 1848 to

1894. The other the reader thinks he finds between the lines, and he suspects that the author consciously wrote it there. Professor Sontag's own wish to know whether the British and the Germans are sufficiently like-minded to be able to be business-like with one another, and to effect a really cordial understanding for coöperation in the present or the future, has driven him far back into the record of their past failures to do so. The reader cannot review that record without having the present constantly interpose itself between his eyes and the page; so he reads between the lines. For example: "Palmerston's ridiculing disbelief in German nationalism reflected the Englishman's embarrassment in face of the violent mystical language of thwarted German patriotism. Not only was the Englishman unable to understand these emotional outbursts; he was half-afraid of them. And to hide his embarrassed uneasiness, he took the easy refuge of ridicule." Again: "Everything in the national society—art, literature, morals, and religion, as well as economic enterprise—had the capacity to strengthen or weaken national power. Therefore, he [Friedrich List] argued, they must all be guided and controlled, here encouraged, here checked." Still again: "Prizing freedom, and realizing that the word freedom had not the English meaning when used by Germans, it was natural to conclude that the Germans were slaves" (1870–90). Here is a book which goes far beyond any mere review of diplomatic correspondence or trade statistics. The author is as much interested in the ideas of Cobden, Bright, and Seeley, of Friedrich List and Treitschke, and of the men of business and the man in the street, as in those of Palmerston, Gladstone, Bismarck, or any of the kaisers. In every case, he tries to discover behind the words a man wrote or spoke the thoughts that he had in the back of his mind, and beyond those the conditions, the ultimate purposes, and the emotional reactions which made him think as he did. This is difficult to do; but he is guilty of none of the superficiality of an Emil Ludwig, and he defends himself quite adequately against the unspoken charge of being a psychological determinist by insisting that his conclusions are only tentative. Tentative though they may be, they are interesting and not ill-founded. The chief of them is that complete understanding and really cordial coöperation between the two peoples have been impossible because, fundamentally, even those Englishmen and Germans who are perfectly bilingual still do not speak the same language.—CHESTER V. EASUM.

The Problem of International Investment (London: Oxford University Press, pp. x, 371, $7.50), a report of a study group of the Royal Institute of International Affairs, analyzes the future of long-term international movements of capital in the light of "the special factors in the world economy of today which tend to limit the extent to which such move-

ments are possible or desirable." One of these factors is the widespread tendency toward state control of external lending and borrowing on the part of the state's own nationals. The political scientist's interest will center on the discussion of types, purposes, results, and difficulties of such state action. Despite the disastrous results of much post-war lending, the writers believe that the "ultimate justification for international investment still remains," to wit, that different countries are unequally supplied with capital. In recent years, the governments of most countries, faced by disequilibrium in the balance of international payments which would tend to depreciate their currency, or by considerations of political expediency, have found it advisable to exert some control over the export and import of capital. The means and extent of this control differ widely from country to country. Part II contains a detailed historical analysis of the post-war balance of international payments in the three creditor nations—Great Britain, France, and the United States—and a more brief discussion of the situation in the various debtor countries. The volume, with its appendix, contains a wealth of often inaccessible "facts and figures" that will be of special interest to students of those aspects of international affairs that are on the border-line between politics and economics.—HAROLD H. SPROUT.

World Finance, 1937–1938 (Macmillan Co., pp. xvii, 336, $3.00) is the title of the latest chronicle of international financial developments from the facile pen of Paul Einzig. In this volume the author continues the analysis contained in the previous book, *World Finance, 1936–1937*, bringing it down to the events of March, 1938. Those who are already familiar with the author's work will find here the same approach which he has taken in his earlier studies. As he surveys the gold scare of 1937 and the subsequent events of the recession, he adheres to his persistent belief in the sovereign value of a policy of ruthless reflation. He is also as uncompromising as ever in his belief that international political events are dictated largely by momentary policies and their consequences. Thus the reader will learn that "had he [Signor Mussolini] devalued the lira in 1934, world history might have taken a different course. He would not have added Abyssinia to the Italian colonial empire, but the Stresa front would have provided a perfect safeguard to Italy's security and to European peace" (p. 151). Mr. Einzig also states uncompromisingly that if Primo de Rivera had not maintained the peseta at an unduly high level, "Spain would still be a monarchy, and none of the upheavals which began with the collapse of the dictatorship and culminated in civil war would have occurred." Likewise, it was Japanese monetary policy that brought about the invasion of China, and it was French monetary policy that brought about the 1936 victory of the Popular Front and that, in

turn, forced Italy into the Rome-Berlin axis relationship. In short, one can find here an exceedingly simple and an ably argued answer to most problems of contemporary international politics. Unfortunately for Mr. Einzig, most of his readers will be aware, as he, apparently, is not, of the great limitations inherent in such a view.—GRAYSON L. KIRK.

In the pamphlet *American Far Eastern Policy and the Sino-Japanese War* (American Council, Institute of Pacific Relations, pp. 71, $0.50), Miriam S. Farley has brought together the consensus of opinion of the members of a series of conferences held from March to May, 1938, in key cities from Cambridge, Massachusetts, to Honolulu, Hawaii. These conferences were largely attended by groups "overweighted on the side of the so-called 'intelligentsia' and underweighted particularly as regards farmer and labor groups." This summarization of the opinions of these peoples has been skillfully done, and the publication thus serves the purpose of a handbook of proposals which have been made for handling a controversial subject. It represents informed personal opinion upon one of the vital questions now facing the United States, and upon which some decisions ought to be reached. Unfortunately, the publication shows how impossible it is for Americans to agree upon any such issue, for in the discussions every shade of opinion was represented. This same failure to come to any conclusions is not to be too strongly condemned, but there is probably every reason to wish that some steps might be taken to disseminate the proposals, in the hope that a great body of persons might thus be aided in deciding for themselves just what they want to see done. In fulfilling this purpose, the pamphlet is valuable. As a publication to startle or to serve as the definitive word, it is not important.—ANDREW E. NUQUIST.

In *Franco-British Policy in the Post-War Near East* (Oxford University Press, pp. 229, $2.00), H. H. Cumming presents a brief survey of the rivalry of these two Allied Powers in the Near East from 1918 to 1923. The chief value of the short study is that it brings together in convenient form important circumstances surrounding the policy of the two Powers in the Near East immediately following the War. After a short statement of Franco-British policy and interests in the Near East before and during the War, the author discusses, in summary fashion, the Allied secret agreements respecting Turkey, Palestine, Syria, and Mesopotamia; the first abortive peace with Turkey in the Treaty of Sèvres; the Greco-Turkish war; and finally the Treaty of Lausanne. Save that the emphasis is on the growing divergencies of French and British policies in this period in the Near East, not much that is new, either in fact or in interpretation, is presented. The subject-matter of many of the chapters has been covered

as well, and in more detail, in such books as Howard's *The Partition of Turkey*. Considerable dependence is placed on a small number of secondary sources without any indication that their use was the result of a selective process. The chapters on the Mosul and Palestine questions and on the occupation of mandated territory are well done, although the treatment of other important topics, such as the relation of Franco-British policies to the Zionist movement, is inadequate. A number of the author's conclusions do not seem adequately supported by evidence, and on the whole his work does not contribute a great deal to the literature of international politics in the Near East—a field which is sadly lacking in sound works in the English language.—WILLIAM C. JOHNSTONE, JR.

Students of British diplomatic history will welcome *Foundations of British Foreign Policy from Pitt (1792) to Salisbury (1902); or Documents, Old and New*. (Cambridge: at the University Press, pp. xxx, 573, $7.50), selected and edited, with historical introductions, by Professors Harold Temperley and Lillian M. Penson. The documents are from public and private collections, and several of them are here printed for the first time. The purpose of the editors is to reveal the ideas which have guided the foreign policy of Britain. Some of these ideas have varied with the time, the circumstances, and the individuals who held the seals of the Foreign Office; but on the whole the continuity is remarkable, bearing out the truth of the saying attributed to Palmerston that England's interests are eternal. Canning's declaration, December 4, 1824, that Britain "is ready to live on terms of amity with arbitrary governments," as well as his statement, December 12, 1826, "that nothing short of a point of national faith or national honor . . . would make desirable at the present moment any voluntary approximation to the possibility of a dangerous war," express sentiments identical with those voiced recently by Chamberlain. While the documents are not equally important and not all of them are revealing, the selection is an admirable one and the editing, as might be expected, is excellent. Indeed, students and teachers may find the introductions, foot-notes, and bibliographical references even more useful than the documents themselves.—PAUL KNAPLUND.

In *Tomorrow's War* (William Hodge and Co., Ltd., pp. 255, 8s. 6d.), Stephen Possony almost persuades the reader that large-scale war is an economic impossibility, although such is not his intention. He begins with the proposition that economic potential must be the decisive factor in protracted military conflict. Then, on the basis of careful calculations as to what raw materials would be required to carry on successful offensive war under the limiting conditions he postulates for experimental purposes, he concludes that no country in the world possesses the requisite

economic equipment for such an undertaking and that, the advantage resting with the defensive, blockade must be considered as the chief weapon and stoppage of enemy production the chief goal. For all of Mr. Possony's competence in arithmetic and military science, it is clear that no statistical prediction can be made which will include the factors of morale, leadership, or outside politico-economic aid. Despite the importance of these imponderables, an economic primer of abstract war has its value—if the right people would only heed it. In the second part of his book, the author proceeds to develop the startling and highly dubious argument that a false distinction has been drawn between "war economy" and "free economy." Indeed, he insists, the two should be identical, since successful war is possible only for a wealthy nation, and wealth is created only when capital is relatively unrestricted in its movement and activities. This doctrine is indubitably pleasing to the ears of the British industrialist, but there is certainly no positive evidence in modern times to show that a government can for long conduct war without central direction and discipline.—WILLIAM P. MADDOX.

In *The Mediterranean in Politics* (Oxford University Press, pp. x, 259, $4.00), Elizabeth Monroe has attempted a survey of the recent interests and policies of the Powers in the middle sea. There are five maps and three tables of trade statistics. The style is sprightly and readable. The material is accurate, illuminating, and well-ordered. The author has not only read much (though the work is not highly documented), but has travelled, observed, and reflected. There are long chapters on British, French, and Italian interests, short chapters on Turkey and Spain, and a concluding chapter: "Further Outlook: Unsettled." Greece and Egypt are somewhat neglected, but the Pan-Arab movement is well depicted and shrewdly evaluated. Miss Monroe's limitations are those of many English middle-class commentators on international affairs. She shares the naïve optimism of her fellow-countrymen that, whatever may happen to others, Britain's position is secure. She cannot clearly see the French position in terms of the Continental alliance system which Chamberlain and Hitler smashed at Munich. She can scarcely see the Italian position in terms of the Rome-Berlin axis. She is muddled about Spain. She envisages the Ciano-Perth accord (which she fails to analyze adequately) as a means of detaching Il Duce from Der Führer, while in fact, like other concessions to the Caesars, it but binds them more closely for collective blackmail. In short, she has in some measure been "taken in" by the stereotypes which Downing Street desires British subjects to accept, and she sees little of the purposes and motives behind the stereotypes. But for all of that, no other single volume in English constitutes so useful a survey of international currents in the Mediterranean.—FREDERICK L. SCHUMAN.

In *The First Sanctions Experiment* (Geneva Studies, Vol. IX, No. 4, $0.40.), Albert E. Highley makes a thorough study of the League of Nations procedures in the application of sanctions against Italy. In four chapters, he traces in detail the formulation of the sanctions measures, describes the machinery set up to supervise their application, examines the national legislation and various special questions connected with the coördination and application of the sanctions, with special attention to the difficulties concerning an oil sanction, and offers certain conclusions with respect to the working of the whole business. He finds that the technical difficulties were few and that the somewhat intricate machinery set up by the League functioned efficiently; that the obstacles which caused trouble and finally brought about the failure of sanctions were essentially political, involving such problems as the coöperation of non-member states, the peculiar relations of certain member states to Italy, the attempt to conciliate and penalize Italy at the same time, and the very special difficulties over oil. There are appendices listing all the various committees and subcommittees of the League dealing with sanctions; the legal bases (constitutions, treaties, laws, decrees, or regulations) for action by the various states; and an excellent bibliography. Having at his command the unusual resources of the Geneva Research Center, Mr. Highley's book is the most complete study yet produced of this first attempt to apply sanctions under the League Covenant. It will be a most useful guide in any future attempt to rebuild a sanctions system out of the experience of the past.—CLARENCE A. BERDAHL.

POLITICAL THEORY AND MISCELLANEOUS

The Physiocratic Doctrine of Judicial Control (Harvard University Press, pp. x, 96), by Mario Einaudi, contains few pages, but it makes available to American students a set of ideas not generally known on this side of the Atlantic. With the economic theories of the school of François Quesnay every mature scholar of the social sciences is acquainted, but the same assurance cannot be given with respect to the political doctrines. The existence of a physiocratic doctrine of judicial control, quietly forgotten in Europe until the end of the nineteenth century, can scarcely be said to have been recalled at all in the United States. The central concept of the physiocratic system is one of natural order, "*essential et général, qui renferme les loix constitutives et fondamentales de toutes les sociétés.*" Natural rights cannot be enjoyed unless there exists a positive order behind them. This natural order implies that, positive laws being but the declaration of the principles embodied in the natural laws, power must reside somewhere to verify the compatibility of the former with the latter. This power the physiocrats thought had to be entrusted to the judiciary. However, the legislature is not inferior to the courts; both are subordinate

"to a higher natural order whose evident necessity and intrinsic justice have already been made apparent to the society of men." The precedent which guided the physiocrats in establishing their doctrine of judicial control was the Parliament of Paris. But this, Dr. Einaudi shows, applies only to the abstract notion of judicial review, not to the concrete institution of the Parliament. "While Parliament," he says, "appealed to fundamental laws essentially historical in their nature and representing the specific tradition of France, the physiocrats . . . based their appeal on natural laws, rational in character, although conceived in terms particularly fitted to the needs of the country." Thus the physiocratic school attempted to go beyond the point reached by Parliament. But at the hands of its critics the physiocratic theory of the state fared badly because it appeared to set up a legal despotism. In the popular mind it was regarded as futile. Royal power had thwarted all attempts at control from parliamentary quarters, and few persons could be found to agree that judicial control would be more successful. Dr. Einaudi does not contend, but rather denies, that the physiocratic doctrine had any direct influence upon similar ideas in the United States. "What matters," he declares, "is that the American doctrine of judicial control owes its existence to essentially the same principle that stimulated the physiocrats in their search for a permanent and stable solution of the problems of government, that is, the belief in the existence of a higher order to be preserved against the inroads of legislators, who must in consequence be allowed definitely restricted powers." The success of judicial review in the United States is sufficiently explained upon grounds which do not touch the physiocratic system.—WILLIAM S. CARPENTER.

In so far as political scientists may be able to worry out the contribution of Dr. Trigant Burrow's *Human Conflict* (Macmillan Co., pp. xl, 435, $3.50), they will see it as a new version of the anarchistic view of individual and social ills. With this version, it is not coercive institutional activities that produce maladjustment. The diagnosis turns on the theme that man's culture, social adjustments, language symbols, standards of right and wrong, segmental activities, arbitrarily conditioned feelings as embodied in the social substantive "I," and similar features of complex collectivistic life have produced a mimic system of unreality in which there can be no participation of the individual's total organism. The result is basic disorder affecting the physiological processes of man as a race. The prescription—a return to the organismic basis of life so that individuals may participate with their total organisms—will doubtless remind political scientists of Rousseau's noble savage. The volume purports to be a scientific report upon a series of clinical cases, and particularly upon a group experiment. But the reviewer has searched in

vain for any presentation of explicitly denotable evidence derived from these observations. The key to this lack is doubtless to be found in the fourth conclusion, found on page 409, which states "that this biophysical disturbance affecting the organism's internal processes is rendered perceptible within man only as we employ a non-mental (non-symbolic) method of observing this non-mental condition within his processes, and that it is not to be perceived by looking outside of man or inquiring symbolically, *mentally* into it." This quotation, which could be matched by many others, is utterly incomprehensible to the reviewer. If the basic disturbance affecting mankind cannot be dealt with by symbol techniques, why write a book unless it be a book to end books? One marvels, also, at the easy "detection" of racial universalities by observation of a limited number of cases. Perhaps "race of man as a whole" is one of the fictitious symbols of which the experimenter has not been able to free himself. The reviewer may convict himself of being one of these abnormal-normals in using symbols to express his reaction that the apparent method of the volume is that of free interpretation in terms of previously neglected factors. The analysis is remarkably free of restraining data. However, the factors stressed have not been entirely neglected in the past. Indeed, contemporary students have become markedly aware of the rôle, the use and the abuse, of symbols in social, economic, and governmental life. At that, the political scientist could well profit from a careful reading of this volume; for many of our standard analyses of government are based on fictions and unrealistic symbols.—HERMAN C. BEYLE.

Metropolis: A Study of Urban Communities (D. Appleton-Century Co., pp. xii, 325, $2.75), by Howard B. Woolston, is presented as a college text for courses in urban sociology. The author set for himself an almost impossible task—"to relate points in the analysis of urban groups made by geographers, historians, economists, demographers, and psychologists, as well as those usually covered by sociologists and political scientists." To begin with, the method of the author virtually defeats his purpose. There are separate chapters on population statistics, historical development, urban psychology, municipal government, municipal finance, business, etc. As a consequence, there is little appreciation of the intimate and intricate relationships of government, population characteristics, psychology, geography, and economics within the urban setting. The most serious criticism of the work, however, is its antediluvian approach to the study of urbanism. For example, in the chapter on municipal finance, the latest statistics used are 1930, with the result that the impact of the depression upon city finances is completely ignored. Similarly, in the chapter on housing, the author is entirely oblivious to significant

developments of the past ten years. In the chapter on municipal government, there is no consideration whatever of the serious problem of political disintegration that prevails so widely in our metropolitan communities. Obviously also the author has not kept abreast of contemporary scholarship and research in the field of urbanism. Although 143 authors and their works are cited, no mention is made of such valuable reports as those of the New York Regional Survey and the National Resources Committee, or of the significant works of such distinguished scholars as Mumford, Gras, the Lynds, Burgess, Zueblin, and Ogburn. On the whole, the author's presentation is naïve, provincial, and extremely superficial. —MARTIN L. FAUST.

Studies dealing with over-population or under-population of nations have frequently been conditioned by the political bias of the reporter. Imre Ferenczi's *The Synthetic Optimum Of Population* (International Institute of Intellectual Coöperation, pp.115) fortunately is lacking in any such orientation. This scholarly study, scientifically prepared and objectively written, traces briefly the progression of thought on demographic problems, pointing out that only of late have students of this subject begun to emphasise individual rather than national welfare in their search for an optimum population. The author cautions against relying heavily upon simple arithmetical density as the basic criterion in this search. Quantitative studies of population must include physiological, agricultural, and general economic density as well. Moreover, in achieving an optimum population, qualitative as well as quantitative factors must be taken into account. However, "the present state of human progress does not yet enable us either to *give the figure* of the realistic optimum size of the population of a country, a region, of the entire globe, or to *calculate* its optimum rate of growth." Nevertheless, it is "possible to conceive of a national and international synthesis giving due weight, not only to economic viewpoints and to considerations of national defense, but likewise to demographic and eugenic ideas and forecasts." To achieve this synthesis, the author recommends the calling of an "official demographic conference" on a world-wide scale, and he sets down an outline of the matters that such a conference might profitably examine.— VERNON A. O'ROURKE.

Public Opinion and the Individual (Harper and Brothers, pp. ix, 316, $3.00), by Professor Gardner Murphy and Dr. Rensis Likert, is a report upon a research project prepared under the auspices of the Columbia University Council for Research in the Social Sciences. The investigation was carried on at seven universities, and was limited to issues having to do with internationalism, imperialism, race relations, and the economic

order. A re-test was given to a sample of students from two of the universities after an interval of five years when most of them were holding jobs. The technical basis of the inquiry is a combination of qualitative autobiographical sketches and questionnaire-schedules, the latter being scored by Dr. Likert's system of assigning arbitrary weights rather than by his sigma technique. The points for investigation follow the curiosity of those who are interested in the personality rather than the population orientation of attitude. The report is particularly valuable in that it leaves a distinct trail of workmanship. The careful investigation is fully reported, including the tests, the data, the correlations, the reliability coëfficients, as well as the conclusions. The political scientist will find this volume most profitable, even though he is curious about features of multiple-individual rather than single-individual activity. To appreciate the study, the student of government will need to remember that much of the phenomena which intrigue him are founded in the attitudes that numbers of individuals develop and express: attitudes toward candidates, officers, policies, legal rules, political parties, interest groups, governmental arrangements and devices, governmental procedures, status, actions, symbols, and even sovereignty.—HERMAN C. BEYLE.

The third volume of Dr. W. K. Jordan's *Development of Religious Toleration in England from the Convention of the Long Parliament to the Restoration, 1640–1660* (Harvard University Press, pp. 560) carries his exhaustive study through the two decades separating the Convention of the Long Parliament from the Restoration, the period in which "the fundamental principles of religious and political liberty were being hammered out upon the anvil of civil war." To those who seek to understand the revolutionary experiments and the dominant religious thought of this period, Dr. Jordan gives a comprehensive text, reared upon an extensive foundation of seventeenth-century materials. Through the jungle of religious theory and controversy, he steadily pushes his way. Dividing the era into two periods—that of Presbyterian dominance (1640–48) and that of sectarian dominance (1648–60)—and treating Presbyterian and moderate sectarian thought, in their relationship to religious toleration, in separate sections of the book, he provides an admirable chart for those who would follow him. By 1660, Dr. Jordan maintains, the theory of religious toleration had been fully elaborated, and "what is more important, the mass of responsible opinion seems by that time to have been convinced by the persuasion of reason and the logic of historical development of the necessity of religious toleration if not of its positive virtues." It should be noted that a concluding volume will contain a summary and a general statement for a work of extraordinary value.—WILLIAM L. SACHSE.

The flood of volumes written to enable the average man to understand his world continues unabated. One of the most recent and most satisfactory in the field of law is Max Radin's *The Law and Mr. Smith* (Bobbs-Merrill Co., pp. 333, $3.00). This volume is not just another edition of "Every Man His Own Lawyer." It does not pretend to tell Mr. Smith how to draw a will, plead a case, or file an appeal bond. It rather gives him in clear and simple language a background of knowledge about the law upon which more specific information can be built as he may have need for it. This background consists of information on three kinds of subjects: jurisprudence, the history of legal ideas and institutions, and the more common legal concepts. In each of these subjects, frequent illustrations are given from the Hebraic law and from the Civil Law as well as from the Common Law. As a result of his breadth of scholarship and his clear and vivid style, Mr. Radin's book is both informative and easy to read. Teachers of classes in elementary law or elementary jurisprudence will find many of his explanations exceedingly useful. Teachers of an elementary course in legal history could hardly do better than make generous use of his discussion of the development of legal institutions. The limitations of the volume are inherent in the task the author set for himself. There is a slight tendency—especially at the beginning—to write down to the reader, a tendency quite understandable in view of the author's purpose, but equally unnecessary in view of the clearness of his style. There is practically no discussion of any of the problems of judicial administration or of the rules of constitutional or international law; such a discussion would probably be out of place in a work dedicated to popularizing law as a cultural subject.—RODNEY L. MOTT.

The greater portion of Esther Lucile Brown's *Lawyers and the Promotion of Justice* (Russell Sage Foundation, pp. 302, $1.00) is devoted to the history and problems of legal education in America. Miss Brown regrets the seeming inability of the legal profession to raise either the standards of education or the requirements for admission to practice to the levels recently attained by the medical profession. Although apparently convinced that the case method of study "really teaches the pupil to think in the way that any practical lawyer ought to and has to think," she feels that it may be partly responsible for the all-too-general anti-social attitude of the bar. She deprecates the lack of agreement as to the proper character of pre-legal education, and even as to the proper content of the law school curriculum. Those who insist that the difficulties of the profession are due to the recent marked influx of neophyte attorneys are called to task for overlooking the fact that in 1920 the ratio of population to lawyers—863 to 1—was higher than at any other period since 1870. A

brief sketch is given of each of the principal national professional associations. The book closes with a résumé of the chief weaknesses in the administration of justice and of the efforts being made to eliminate them. Although Miss Brown's point of view is not new and her materials are readily available elsewhere, her book is the most convenient form in which these data have appeared. It might well be required reading for prospective law students.—J. A. C. GRANT.

In his *The Spirit of the Legal Profession* (Yale University Press, pp. viii, 178, $2.50), Judge Robert N. Wilkin presents the substance of a series of addresses delivered by him to the students of the Ohio State University College of Law. His thesis is summed up in the statement: "As the lawyers of Rome gave us the science of law, the lawyers of England gave us the science of administering the law, and their principal contribution to that end was an independent court" (p.77). He contends that "the whole course of history teaches that the judiciary has functioned best when free from the arbitrary will of either crown or commons" (p. 146), and that "judges dominated by fear of the populace have proved as inefficient and as despicable as judges dominated by fear of the king" (p. 148). He pleads eloquently for greater public confidence in the bar, which too frequently is judged by the shortcomings of its relatively few derelicts; and he feels that since "each calling knows its own best men," the legal profession should have a greater influence in the selection of judges. Judge Wilkin writes in a clear and interesting style, and his material is well organized. Occasionally, however, it would seem that in portraying legal history he has permitted his interpretations of the present to color his picture of the past.—J. A. C. Grant.

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Selected legal problems in providing federal aid for education, by Robert R. Hamilton, with an introduction by Paul R. Mort. Staff study number 7. Washington: Govt. Ptg. Off., 1938. 70 p. 15c.

Agriculture Department

Agricultural economics bureau. Agricultural labor in the United States, 1936–37, selected list of references: compiled by Esther M. Colvin and Josiah C. Folsom . . . Washington, 1938. 205 p. (processed)

Census of Partial Employment, Unemployment, and Occupations

Unemployment. Census of partial employment, unemployment, and occupations, 1937. Washington: Govt. Ptg. Off., 1938. 4v. $1.75 per volume. (This material, with the exception of volume 4, enumerative check census, has been published before, in parts.)

Congress

Internal revenue taxation joint committee. Inheritance and gift tax laws of Sweden; prepared in office of general counsel for department of treasury. Washington: Govt. Ptg. Off., 1938. 23 p. 5c.

Senate. Judiciary committee. Working papers on administrative adjudication, by Frederick F. Blachly, Brookings Institution. Washington: Govt. Ptg. Off., 1938. 170 large pages.

This is really an indispensable publication for those interested in the present administrative set-up of the Federal government. In practically tabular form, following an introduction, classification scheme, and index, appears the analysis of all Federal administrative judicatory agencies, showing legal basis, organization, functions, procedures, enforcement methods, and appeals. The saving in time and from error made possible by this publication is enormous.

Joint Preparatory Committee on Philippine Affairs

Report of May 20, 1938. Washington: Govt. Ptg. Off., 1938. 4 v. (v. 1, 45c; vols. 2–4, $1.00.)

This is the report of the committee meeting to consider the ultimate fate of the Philippines, as far as the U. S. government is concerned. Volume 1 contains the report proper; volume 2, the hearings held before the committee; volume 3, group 1, briefs submitted in printed form; volume 3, group 2, briefs submitted in typewritten form. Most of the material has to do with economic aspects of the subject.

Justice Department

Taxation of government bondholders and employees. The immunity rule and the sixteenth amendment. A study made by the department of justice . . . Washington: Govt. Ptg. Off., 1938. 219 p.

This publication was noted in the December, 1938, issue of the REVIEW, with the further comment that the very valuable appendix, in six large volumes, and consisting of the material referred to in the footnotes of the report proper, would not be available for public distribution. This is no longer quite true, as some twenty copies have been prepared and bound for distribution, three or four to university libraries. This is really a remarkable public document, if for no other reason that practically the whole of the six large volumes of the appendix is composed of photostated material. The whole is beautifully got up and bound in three-quarters leather, and an unusual feature is that for each numbered footnote in the report there is a correspondingly numbered tab in the bound volume, making the notes very easy to find. The material itself is reproduced from periodical articles, newspapers, congressional committee reports, the *Congressional Record*—anywhere, in fact, that the compilers of the report found worth-while matter to cite. The copy in the Columbia University Law Library has been in daily use during the two months since its receipt, since the topic covered is such a live one. It is sincerely to be regretted that instead of the expensive method of photostating, some other method more suited to quantity reproduction was not adopted.

Labor Department

Labor standards division. Labor laws and legislation. Digest of state and federal labor legislation, enacted July 1, 1937–July 1, 1938. Washington: Govt. Ptg. Off., 1938. 25 p. 10c.

Library of Congress

State law index. United States supreme court cases declaring state laws unconstitutional, 1912–1938. Special report no. 2. Washington: Govt. Ptg. Off., 1938. 20 p. 5c.

Though by no means as useful and ambitious a production as the pamphlet issued by the Library of Congress legislative reference service, covering Federal laws declared unconstitutional by the Supreme Court, this publication is immensely valuable because the information it contains, while important, is de-

cidedly difficult to dig out. It presents in tabular form U. S. Supreme Court cases declaring state laws, constitutional provisions, municipal ordinances, and commission orders unconstitutional; *per curiam* decisions; and cases holding judicial and executive action unconstitutional. It covers cases in volumes 224 U. S. to 304 U. S., inclusive, giving the case, citation (unfortunately, the arrangement is by citation rather than by case), laws affected, and judges dissenting.

National Emergency Council

Directories of Federal and state departments and agencies in the various states have been issued to include Alabama, Maryland, Michigan, and New Hampshire. These are processed, average about 40 pages, and are free.

State Department

Territorial papers of United States; compiled and edited by Clarence Edwin Carter. Washington: Govt. Ptg. Off., 1938. v. 6. $1.50. (Territory of Mississippi, 1809: 17. 893 p.)

The new trade agreement with Canada, signed November 17, 1938. Washington: Govt. Ptg. Off., 1938. 117 p. (Press releases, Vol. XIX, No. 477. Supplement B. Publication 1253).

The trade agreement with the United Kingdom, signed November 17, 1938. Washington: Govt. Ptg. Off., 1938. 170 p. (Vol. XIX, no. 477. Supplement A. Publication 1252.)

STATE AND TERRITORIAL

KANSAS

Legislative council. Research department. Concentration of state tax administration. Decentralized system in Kansas and possibilities of reorganization as shown by concentrated systems in selected states. Preliminary report. Prepared for committee on municipal government and fees and salaries. Topeka, 1938. 20 p. (mim).

KENTUCKY

University of Louisville, Louisville. Mr. Justice Brandeis and the University of Louisville, by Bernard Flexner. Louisville, 1938. 86 p.

MAINE

University of Maine, Orono. Department of history and government. A reference list of manuscripts relating to the history of Maine . . . Orono, 1938. 427 p. (University of Maine studies, second series, no. 45.)

MINNESOTA

University of Minnesota, Minneapolis. The judges of the Supreme court, 1789–1937; a study of their qualifications, by C. A. M. Ewing. Minneapolis, U. of M. Press, 1938. 124 p. $2.00.

NEW YORK

Dept. of social welfare. Compilation of settlement laws of all states in the United States, developed and arranged by Harry M. Hirsch, director, bureau of public assistance . . . Albany, 1938. 40 p.

——— A simplified rural zoning ordinance, by Wayne D. Heydecker. Albany, 1937. 9 p. (mim).

Governor. Public papers of Franklin D. Roosevelt, forty-eighth governor of the state of New York, second term, 1931. Albany, J. B. Lyon company, 1937. 843 p.

Legislature. Joint committee to investigate automobile insurance. Report . . . Albany, 1938. 405 p. (legislative doc., 1938, no. 91)

TENNESSEE

University of Tennessee, Knoxville. School of business administration. Accounting manual for counties of Tennessee, by W. H. Read. Knoxville, 1938. 127 p. (Study no. 4 of bureau of research, school of business administration.)

FOREIGN AND INTERNATIONAL

ARGENTINA

Buenos Aires (City). *Planning department.* Proposal of the city planning department . . . Buenos Aires, 1938.

COLOMBIA

Biblioteca nacional, Bogotá. Catalogo de todas los periódicos que existen desde su fundación hasta el año de 1935, inclusive. Bogotá, 1936. Tomos 1–2.

Congreso. Senado. Reglamento del senado para su regimen interno. Bogotá, Impr. Nacional, 1937. 331 p.

Gobierno, Ministero de. Le cedula y el sufragio. Bogotá, 1938.

ECUADOR

Ecuadorean-Peruvian boundary negotiations. Ecuador insists upon her proposal to submit the entire controversy to arbitration *juris* by the President of the United States of America. Baltimore, Reese Press, August 20, 1938. 16 p.

GREAT BRITAIN

Foreign office. Correspondence respecting Czechoslovakia. September, 1938. London: H. M. S. O., 1938. 22 p., map (Cmd. 5847, 1938)

——— Further documents respecting Czechoslovakia, including the agreement concluded at Munich on September 29, 1938 (In continuation of Cmd. 5847.) London: H. M. S. O., 1938. 6 p., map. (Cmd. 5848, 1938.)

Parliament. House of Commons. The official secrets acts, first report from the select committee. London: H. M. S. O., 1938. 376 p. (13s.6d.)

This large volume is the result of the Duncan Sandys case, in which he was summoned to appear before a military court of inquiry as a result of statements made regarding deficiencies in air defenses. "The volume is fully indexed and is an important document for all interested in the privileges of Parliament and freedom of speech."

MEXICO

Secretaria de hacienda y credito público. Direccion general de bienes nacionales. Oficina de nacionalización. Colección de leyes, decretos y circulares relacionados con la desamortisasciós y nacionalización de bienes, y materias conexas desde la independencia de la República hasta la época actual. Mexico, D. F., 1938. 305 p.

Universidad Nacional de Mexico, México. Dos conferencias sobre el problema petrolero. Mexico, D. F., 1938. 49 p.

EIGHTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, Lima, Peru, December, 1938

Reports of the committee on the relations of the Pan American organs to other entities and on the functions of the Pan American union, to be submitted to the

eighth international conference of American states. Approved by the governing board of the Pan American Union . . . Washington, Pan American Union, 1938. 9 p. (mimeo.)

Reports and projects on the establishment of the Inter-American court of international justice . . . Washington, Pan American Union, 1938. 114 p. (mimeo.)

——— Special handbook for the use of delegates. Washington, Pan American Union, 1938. 168 p.

INTERNATIONAL JOINT COMMISSION

Interim report . . . on the Champlain waterway. Washington-Ottawa, 1937. Ottawa, J. O. Patenaude, 1938. 187 p., maps.

——— Richelieu river remedial works. Ottawa-Washington, 1937. Ottawa, J. O. Patenaude, 1938. 89 p.

PAN AMERICAN UNION

Project of treaty on the creation of the Association of American nations. Prepared by the governments of Colombia and the Dominican Republic. Washington, Pan American Union, 1938. 11 p. (mimeo.)